

City Council Work Session Transcript – 09/13/2022

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[9:14:48 AM]

>> Mayor Adler: We're going to go ahead, as soon as I see the camera shift, we're going to go ahead and convene today's council work session. It is Tuesday, September 13th, 2022. We're in the boards and commissions room here at city hall. And we have an agenda laid out in front of us. Colleagues, today we have pulled items, basically five topics in our pulled items. One is parkland dedication, I think there are four items related to that. There are the bull house, two items related to that. Two items related to the convention center garage. I said five, it's actually six. We have an item related to license plate readers. We have three items related to the petition to police oversight and we have one

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item on the south central waterfront regulating plan, so six topics in front of us. We also have executive session principally to have our introductory meeting with hr on the three council atonightees, the clerk, city clerk, auditor and municipal court clerk. There's also been a request for visiting about str. So those are the items we have on executive session. And then we have -- I think we ought to begin with just a quick discussion about logistics on Thursday, given where we might be. So let's start with that conversation here real fast or -- and then let's get into it. I think at the end of that conversation we'll have a

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better feel for executive session and the like and whether or not we need to do everything we can to make sure that there's not an executive session on Thursday just because of the amount of things we're

going to handle. I don't know -- so let's begin first with a discussion of Thursday logistics. My understanding is some of us are being approached with a request to set a time certain on the policing items in the evening. I'm told that at this point that there are roughly 60 people Thea have signed up to speak here on Tuesday. I heard estimates that by the time we get to Thursday we could have a couple hundred people signed up to speak. Most of the people signing up to speak are signing up to speak on the two policing

[9:17:49 AM]

matters, license plate reader and on the petition. And there will also be requests to change on how we've been doing these items and the like. I wanted to give us a chance to enter into that conversation today as opposed to Thursday. Last meeting was the first time I can remember that we actually did not have and sustain a vote to extend past 10. I don't know what that means going forward, but what it might mean is we need to take a look at the agenda and figure out those things that we just postponed or maybe it's something we look at mid afternoon and say what are the things that we have to get done today and we start postponing items. I would urge everybody if you have a small question on something or an information question to really try to get it answered in q&a or

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during a break rather than having to ask those -- rather than having to pull items to ask questions. It would be my intent on small items that get pulled that way to consider them last after we have gone through the balance of the agenda on things that might be of greater concern to more people on the dais. I'm just trying to think of as many different ways as I can to make sure that we handle the things that are of greatest interest to the most people and make sure that we try to do it in a way that we get them done regardless of how the rest of the day plays out. So before we go in I want to open up the floor for everybody to talk about Thursday if they wanted to. Kathie? >> Tovo: Mayor, I have some logistical questions for you today as well. Do you want me to start with those. >> Mayor Adler: Sure. >> Tovo: In terms of the

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executive session I need to step out and be virtual doing that for a little piece of it, so do you anticipate taking up the personnel items first or the legal briefing on str. >> Mayor Adler: I'm comfortable taking them up either way so you can be there for whatever you next slide to be there for. >> Tovo: I can also manage it whichever way -- >> Mayor Adler: Then I would probably take up the personnel matters first and at the end of that touch base on the str. as we're heading out. >> Tovo: Okay. I just need to get in my folders for str. And in regard to Thursday I'm going to give some thought and I may have more

suggestions in a minute. I don't think it's the little questions that slow us down, it's the other stuff. My only concern about your plan on that 64 is that makes sometimes whole bunches of our staff wait around for items that are going to -- to ultimately be done in five minutes. So I just offer that for your consideration. I think I had a couple of those last time and they went super quickly. It's

[9:20:53 AM]

not always -- sometimes things become apparent after you get your responses back in the q&a which doesn't happen until right before the meeting sometimes. It's hard to ask all the questions, though. I shall do my best. If you could just think about that, but those tend not to slow us down. But we could have a limit. If there were five minutes on one of those, then it's got to get postponed or get pulled. >> And that might be something. If we could say this is a really quick question in five minutes and we take five minutes we've either voted or it's postponed, because sometimes we get caught on some of those and they end up taking 20 minutes, 30 minutes. No one could have anticipated it would -- >> Tovo: Or then it goes to the end of the agenda. >> Mayor Adler: Right. So let me think about that because there might be a way to be able to do that. Pio and then Ann. >> Renteria: I really was kind of surprised about last Thursday meeting and I just

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wanted to apologize to the people who stayed the entire meeting who didn't get their issues discussed and I just want to say that we apologize to you guys when we know that we should inform people a little bit earlier that we're not going to be able to handle that kind of an agenda that long when we got to late at night [inaudible]. So I wanted to apologize for some of the people who waited for [inaudible]. And they understood that yes, it was getting late. >> Mayor Adler: I think the point is well taken. That's one of the reasons we're having this conversation now to give people a head's up and to be able to talk about it. Ann? >> Kitchen: I heard a question related to -- I think it's related to the office of police oversight issue, but it might be relevant for other issues too. And that was just the question about a time

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certain, which is something that we used to do. And we haven't recently for lots of good reasons. But there are some folks who have asked whether we could set a time certain for that item and I think it has to do with the thinking about when they will be speaking. You know, when they'll have an opportunity to speak as well as just when they can listen. What's your thought on that? I know it's a bigger topic to bring up, the whole time certain issue. >> Mayor Adler: No, I think this is the appropriate time to bring that up. My default will be to answer that question the same way I've answered that question here over

the last two years. Most especially the last couple of months. There have been a couple of occasions the last couple of months where there was an issue that was important to several of us and to their constituencies who asked for a time certain in a certain part of the day. My answer then -- I'll give the same answer now that I

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gave then because I feel like even though there might be an issue that I might be more interested in now or that my constituencies are more interested in, I think it's real important for me to play it straight down the fairway. My recommendation would be to do it the same way, to call the speakers in the morning, get the speakers handled. That gives us the ability to be able to see what the rest of the day looks like and we can plan out the rest of the day when we have speakers that are called then later it adds an unknown and makes it more difficult. I understand the statement that hey, we want our issue to be able to come up in the evening because our constituents can't be there during the day. I've also heard from constituents to say don't do it in the evening because that's when I'm with my family and children and I want to be able to talk during the day. So I hear it both ways. I am concerned if we have 200 speakers. I've also heard people asking for more than a minute. If we have 200 speakers for this and everyone speaks for one minute that probably is

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going to take us four, four and a half hours to be able to get through those speakers. If we start at 6:00 we're past 10 and we haven't even begun to be able to deliberate. So my recommendation or my default -- obviously this would be the will of the council. I'm not going to try to stand in the way of the will of the council, but I would do it the way we've been doing it because it is impartial to substance matter or issue and to stay consistent -- I think it's served us well in terms of meeting management and getting work done. >> Kitchen: Do you see a possibility to -- so the question would be so I understand what you're saying in terms of when people speak to us, what about when we take up the item? Do you think it's possible -- are you thinking that we take all the

[9:25:59 AM]

speakers and then have an idea of how the rest of the day is going to go? >> Mayor Adler: I think so because we would know more at that point. >> Kitchen: At that point we could give people enough of an idea [inaudible]. >> Mayor Adler: For consideration, not for speakers. >> Kitchen: Okay, thank you. >> Mayor Adler: And I think we could -- and I think we could manage that. You know, given what we have and the potential for a closed vote on that issue, I have asked on the police matter we have for take action within 10 days of certification. We also have to pass something with seven votes, not with six

votes unless we do it on separate days. So I've asked the clerk to set a special called meeting on Saturday and a special called meeting on Monday in case we're at a six-five place and we need three

[9:26:59 AM]

separate days. I have the United States conference of mayors meeting and I'm making a presentation Friday morning, and my plan had been to fly out to Miami about dinner time. I'm now checking all different routes to see if there's like a redeye way that I could get to the conference in the morning so that I can be here through the evening in case -- well, the meeting is going to go past six would be my guess under any scenario. >> Tovo: Mayor, I didn't follow what you were just saying. >> Mayor Adler: I think the meeting is going to go past six under any scenario so I'm checking to see if I can extend my stay on Thursday to be able to be here past 6:00. >> Tovo: Gotcha. The presentation is Friday morning, not Saturday morning. I'm wondering if we'll potentially have a Friday meeting? >> Mayor Adler: It doesn't do us any good because it's the same meeting, so the new

[9:28:02 AM]

special called meetings will be noticed for Saturday and Monday. >> Ellis: Thank you. I wanted to share my thoughts on some of the points that have been raised. I really appreciated my last council meeting where we adjourned around 10 and 10:30 and would like to continue that precedent of adjourning before 11, especially if there are substantive topics. All of the items we consider are substantive, so to the extent that we can just have a consensus on not going past 11 I would be supportive of. I also appreciate the conversation around having time certain for item consideration, so similar to what you laid out, having speakers in the morning, but saying at 4:00 P.M. We're going to consider the policing items. That's when council will have a conversation. And to the extent possible communicating that with the public and with the interest

[9:29:02 AM]

groups that they know okay, this is the time that we tentatively plan to discuss the item and deliberate. And then lastly, I was not aware that people flew in for that item so I would just say to the public, if you do have stakeholders who are flying in to let us know in advance. That would be helpful. Thank you. >> Alter: So I think that there are items if we work on them we can go very far. I'm not comfortable with postponing parkland dedication any further. We need to get that done for the budget. I think we have to have the conversation and we can have a lot of that conversation today because it's the same conversation and the same challenges with the motions as before. So I want to say that. I think that there are other items too that we can have a lot of the substantive conversation. They've been on our agenda, you know, multiple times.

[9:30:04 AM]

I'm not in the quorum that is either putting forward the license plate reader or with the other group that was on the -- I'm still trying to figure out the right path, but if folks have the substantive things that they've come up with to share today, we can get a lot of that work done today. You know, what Vanessa said about waiting, I don't think I've ever voted to extend past 10:00. I don't think we make good decisions after that point in time, so I don't think we should do that. I'm not exactly sure how available I am on Saturday and Monday, traveling and not sure whether I will be in a position to get on the vote, although I will do my best if I need to. But I wanted to flag that. Then in terms of the agenda today, I wanted to flag that I think we need to talk more

[9:31:04 AM]

about the statesman pud timing and when we take that up. And I also want to talk about I think 47, which is appointments. >> Kelly: Thank you, mayor pro tem, for bringing up the license plate reader. We put up a version that should be posted to the message board today. I'll be happy to pass out what we came up with today in work session so you can review it and that way we can have the bulk of the discussion today instead of hearing it further down the road. It's not my intention to continue to postpone. I think we're at a place where we can all agree to the ability that we're able to on where we landed. So thank you. >> Fuentes: Thank you, mayor. I was also surprised we didn't have a motion to go past 10. As it goes to the late hours there are people who go to bed and have been following

[9:32:05 AM]

our work for 12 hours at that point. I know it's not our practice to end at 10:00, but I do think that when people are waking up not quite following along, um, how did we get to a vote or what was decided, what was discussed? I think it's in everyone's best interest to do things while we're fresh, we have staff that shows up early in the morning to get ready for the meetings and they might be here until 10:00 or 12:00 at night, also not knowing if their items are going to come up. I know it hasn't been our standard practice to adjourn at 10:00, but I am supportive of us trying to keep it close to a 12 hour mark so everybody is clear on what we're voting on, what we're voting on, where we landed at the end of the meetings. >> Vela: I agree with the comments about 10:00, to finish whatever we're dealing with at 10. But this going to 1:00, 2:00, I don't think that good decisions are made. People are not only up early council meeting days,

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they've often worked really late the night before council meeting days, so I just for multiple reasons, general respect for the public and general respect for our witnesses and the staff and for our own decision making, I would say a hard stop at 10 and continuing to finish just that item or maybe knock out something quickly. And I wanted to second the mayor pro tem's suggestion about the statesman pud. I think we should get some clarity on where we're going with that item and if I understand that it seems that the will of the council is to continue it to the 29th. I understand that the applicant is not going to be -- or from the 15th, from Thursday. I understand the applicant is also not going to be available so we should probably maybe hash that out so we could get that off the table sooner than later.

[9:34:13 AM]

>> Mayor Adler: I think we'll be in agreement with the parkland ordinances, with respect to the amendments on that, which would just be the amendment to when the formula gets locked into place and the direction to have a stakeholder process. And then to enlarge for residential the number of affordable housing units. There may be some conversation about some of the planning commission items. My recommendation or vote on that will be if there are things that we agree on we can adopt them, otherwise to push them into that agreement process together with the question that I had wanted to have an amendment on and we couldn't quite work out, which is when the fee should be paid, to push that issue into the engagement process as well. If that's the case, then we may not be having to spend a lot of time on that issue.

[9:35:15 AM]

On the statesman pud case when we were there at our last meeting we had talked about postponing that to the 29th. I think we should still continue to do that. It's going to require us to act on the 15th. We know that some of the applicants are not able to be there on the 15th which is why we discussed at that meeting pushing it to the 29th. I personally like your idea of trying to come up with a base motion that takes as many things off the table that we can and helps us having a more constructive conversation on the 29th. But I would also join in taking that item and basically postponing that into the 29th. Ann? >> Kitchen: I apologize, I haven't had a chance to ask you this before, but I'm wondering whether we also should postpone the one that's related to -- I think it's item 90, I'm a co-sponsor on that one.

[9:36:15 AM]

It's a separate but parallel item to the pud. So if it -- I just don't have the answer right now, but just for consideration it might make sense to do that. So it also gives time for -- people a little bit of time to

think about it. >> Mayor Adler: 90 is the one that co-sponsors and I have brought to ask the staff when they do the regulating plan work to make sure they bring us a regulating plan proposal that actually has enough density to make it financially feasible to do the south central waterfront district. >> Kitchen: Yeah. It gives us some options that are important and that's why I signed on to it. >> Mayor Adler: For that reason, since it's just options in telling them come back to stuff, I would be ready to move forward on it, but I'm not adverse if it's a close vote and people need more time and we can talk to staff. I know that they were asking for it to be done by this meeting because they

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actually have the regulating plan group as doing work, but it's also a pulled item today so let's see how that conversation goes and then maybe we'll know more. All right. So at this point, kind of the default is to just call all speakers at 10:00 after and zoning speakers at 2:00. Everybody has a minute. We're going to make sure that we handle the things that were postponed from last week so we make sure that we have time to be able to consider those, but in the day or early day they will have a chance to look at what's on our agenda to go through the timing and how many speakers -- how much time we have left after speakers so we could make together a group decision on how to handle the rest of the day, but clearly with the goal of trying to end this meeting and future meetings if we can by 10:00. I beg for everybody's

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indulgence with respect to how much we talk when we talk and how many questions we ask and how many things we pursue. So again to the extent possible try to resolve those things off the dais. And unless people want to speak up otherwise, it sounds like on meeting management that the statesman pud gets postponed to the 29th. I see Alison shaking her head no so that's probably something we need to talk about. In fact, do you want to talk about it now or in meeting management place? >> Alter: Sure. It's my understanding this we don't have a full dais on the 29th. And I think that we really need to have a full dais whenever we talk about the statesman pud. And I don't know how you get around that, but we have at least one member who is gone.

[9:39:17 AM]

>> Mayor Adler: On the 29th. Leslie? >> Pool: So that's a different question from the postponement to the 29th. I support the postponing to the 29th. Do we know who is not available on the 29th from the dais? >> Fuentes: That's me. I will be postponing in a trip to [indiscernible] Pedestrian infrastructure in the Netherlands so I will be gone all next week. >> Alter: And that sounds like that would be difficult to be remotely participating, right? >> Fuentes: Correct, yes. >> Pool: So that's why I was asking. Thanks. >>

Mayor Adler: It will be second reading, not final reading on it. So I'm going to support the postponement and that's what we had talked about while we had the people in from Chicago and the like. So if there had been resistance to that I would have hoped that it could have come up then. >> Mayor, we didn't have a conversation about that. There was people who came up to the dais after we

[9:40:18 AM]

adjourned as a council, we had no opportunity to weigh in on, you know, substantively what we were doing -- [overlapping speakers]. So how we're going to take up something as big as the statesman without a full dais even if it's second reading -- >> Mayor Adler: And I hear that. >> Alter: It's problematic. I'm not saying it's -- >> Mayor Adler: You cut me off when I was trying to talk and then -- and that's okay. As I was saying, I would have liked to have had that come up when we had the last meeting. I understand it didn't because we were anticipating having the broader conversation on the postponement, but I think it's critically unfair to have the conversation next week when the applicant's not here to participate. And quite frankly, I can't even begin to vote on second reading without having the applicant here to be able to ask questions of. If there's time and people want to discuss the matter

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on Thursday, I don't have a problem with that, but I do have a problem trying to put it to a vote on Thursday. So I'll be voting for us not to take action on that matter. We can't decide that question today. If other people want to say things about it, let's let people say things about it, but obviously we can't vote on that today but we'll call it up early enough on Thursday to make a decision so that people can plan their day. Kathie? >> Tovo: Mayor, I want to underscore something that the mayor pro tem said. We didn't have a discussion on any of those projects being postponed. It wasn't clear and it's still not clear, though I asked the applicant if he's available Thursday. I've also heard that he's not available Thursday, but just through the grapevine. I haven't confirmed that. So that wasn't apparent. Number one, I too, council member Fuentes, had no idea that there were people from Chicago. That was not information shared. There was not information shared that the applicant's

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representative was not available this Thursday. Nor did we have a dais conversation about who was going to be available on the 29th or when those items that we didn't vote on at the last meeting were postponed to. We were all operating with zero information. So that being said I am 100% on board with the sentiment that mayor pro tem expressed. This is a huge, huge project in my district, but it certainly is going to be transformative for that area and I think we need a full dais on every reading. And I'm going to support a postponement absolutely from this week, but I think we need to do it when we're all here.

>> Mayor Adler: Council member Fuentes. >> Fuentes: Thank you. I appreciate the conversation. Certainly I'm excited to neap this urban mobility study and tour of the Netherlands, but if the conversation needs to take place on second reading without me, I'm okay with that. I know that we'll have another opportunity for third reading. I have -- have shared what

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my priorities are for an amendment last work session that council is considering. Soy just don't want to derail the conversation on the statesman pud on account of me not being there. >> Mayor Adler: Okay, thank you. All right. So absent anything else that's how we'll approach the logistics for the meeting on Thursday. >> Renteria: And I also support postponing it until like after that, two weeks later on the 29th. I just don't feel comfortable with making a decision without somebody being here. >> Mayor Adler: Paige? >> Ellis: I will also support postponing until the 29th. >> Mayor Adler: Kathie? >> Tovo: I would just ask for the same courtesy that I think I've afforded all of you when you've had a large case in your district and requesting all participants. And I appreciate what you're saying, council member Fuentes, but you're a member of my subquorum and I would appreciate you and your insight being part of that conversation and I just think it's important in

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terms of our ability to talk through the various options. We have two very different options that are being considered. One is the option that we passed on first reading. The other is the one that council member vela is bringing forward, which has some very dramatically different affordable housing benefits among others. So I think the conversation is one that we should all have and I think it is a project that warrants the time. >> Mayor Adler: Okay. Ann? >> Kitchen: I will support postponement to the 29th. I don't think we should take it up this Thursday. So, if you're looking to see -- and I think we've got consensus on that. >> Tovo: What I was saying -- I mean, I think what the mayor pro tem suggested was the date after the 29th so that we have a full dais. >> Kitchen: Well, at this point, I understand, council member tovo, that that's what you would prefer to see, and I understand

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why. So I'm a bit torn because I'm also hearing from council member Fuentes that she's expressed her opinion. I don't think we have to tell her she has to be there. But at this point, I think let's deal with that later. I respect -- I respect the importance of what you're saying. This is a major, major pud in your district. But it is also something that impacts the entire city. So, I think we have to -- I think we all have to respect each other's points of view. >> Mayor Adler: Okay. Let's move on from meeting management to pulled items. The first one is parkland dedication. Both you and I pulled those items.

[9:46:23 AM]

>> Harper-madison: I appreciate it. Before we move in, I wanted to weigh in. I'm also out of town on the 29th. >> Mayor Adler: Okay. >> Harper-madison: So subsequently, I would support Vanessa's motion to postpone the item to the following meeting, if at all possible. Thank you. >> Mayor Adler: Okay. Understood. All right. >> Tovo: Just to clarify. Council member Fuentes very graciously said that we could have that conversation without her. And so it was a suggestion from the mayor pro tem that I affirmed. >> Mayor Adler: Okay. All right. So, we can't decide that question, but it will be among the first things that we discuss on Thursday so that we have a resolution on that issue so people can plan their day. Let's go ahead to pulled items.

[9:47:25 AM]

Parkland dedication. Allison, you want to start us off? >> Alter: So I hope that we will be able to move forward with the commercial -- adapting the commercial parkland dedication ordinance. And to -- I'd like to see us move forward with a small fee increase for residential. I passed out an amendment with respect to item 59. There are four items on our agenda related to parkland dedication. 53 is the full ordinance with the changes for commercial in it, I believe, that was put forward as an ifc, so we could

[9:48:25 AM]

be able to make those changes. Then we have 59, which is actually adopting the fee. There are two exhibits. There's exhibit 1 and exhibit 2. Exhibit 1 has to do with the residential fee. Exhibit 2 has to do with the commercial fee. And then we have -- I think it's 56 and 57. One of those is the commercial parkland dedication ordinance. The other is a hearing for residential so that we can be in line with the code, which was one of the reasons we needed to postpone it last time. Mayor, I'm not totally sure where your motions are at. My recommendation with what we should be doing with the fee increase, and I can speak to that, but I'm wondering, mayor, if we should get clarity on what you're proposing first because that may have an impact on how we proceed.

[9:49:27 AM]

>> Mayor Adler: So there are two items that are in front of us concerning parkland. There's the first item that is the ordinance that only addresses commercial. And then we have something before the council that addresses both commercial and residential. In that respect, we only need to make changes to

commercial in one of the two places. We don't have to make changes to them both, although we could certainly make changes to them both so long as they're identical changes. But I wanted to make sure that we had in front of us both residential and commercial. I've handed out -- and you can see Allison, as we've discussed, motion sheet number 1 that talks to fee calculation, that talks to about how the fee is to be calculated. This is something that needs to apply to both residential and commercial. And it could be an amendment that's put in either one of the two or in both, so long as it's

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identical. But it speaks to the fee calculation, and my understanding is it's supported to staff, and I'm not sure there's any controversy on that. The second one -- >> Alter: Just before we leave on that, at some point, law will need to clarify, I believe we have to change some wording to make sure it's not the formal submission. It's not like you put one tiny piece of paper in and it's submitted, be I you actually formally submitted your application and maybe there's some wording left that's already captured in here. >> Mayor Adler: I want to track whatever the formal procedure is for other kinds of situations. I don't want to create a new standard. But right now, there are certain standards that have been adopted by the courts with respect to when an application constitutes an application. And I want to make sure that that law applies here too as

[9:51:30 AM]

long as we're not creating a new standard. >> Alter: Is legal prepared to speak to that yet, or do you want to give us on Thursday the right wording? >> I think on Thursday we'll need to do that. I believe our lawyer Erica Lopez is working on that from the last meeting. >> Alter: Great. I just want to clarify, it's just so that -- you know, you can't put like a tiny piece of paper in and say you've submitted it and have your fee assessment locked in. There is a time at which you're considered formally submitted, and we just want to make sure that the language applies, and that would have to happen on both. >> Mayor Adler: And I join you on that. I think the legal standard under Texas law is something like fair notice or something like that. Whatever that standard is that applies in chapter 245 issues, just needs to be the standard that applies here. But I agree. I think it would be great if legal could come back to us to help us make sure you're consistent with established law. >> Renteria: To tell you the truth how I really -- my position is that I really don't

[9:52:34 AM]

really support raising any kind of fees on housing. We're in a crisis here in Austin, and we're having a lot of people that are not able to afford to rent anymore apartments because of the high cost. And, you know, people continue to ask us why these prices keep going up, and we don't want to admit the fact

that it's these fees that we're tacking on to these developments that are building these apartments. And all it's doing is making the prices go up. And low-income and middle income people that cannot afford to live in Austin. And I know the argument that, well, we need parkland so that they could come in from out of town so they can enjoy it. And it's the reason why they're out of town is because they can't afford to live here. But we're going to go ahead and continue the fee increases so they can come down here and enjoy the weekends.

[9:53:35 AM]

And I just -- it just doesn't make sense to me. >> Mayor Adler: Good point. There are four issues with respect to parkland that are going to be in front of us. One is setting the fee itself for both commercial, and if it passes, and residential. Let's get to that discussion in a second. There are three other things to consider. The first one is the amendment with respect to how fees are calculated. That's the one we just talked about here. We'll wait to see if legal thinks there's any more wording we need to put into that. The second one, Allison, was the affordable housing amendment that you've all seen. It just basically says that exempt from the fee right now, it has smart housing. It makes it more broad to capture more affordable housing. That amendment would just be relevant to the residential parkland dedication.

[9:54:35 AM]

And then the last one that I've handed out is the one that has the stakeholder process, that sets up a stakeholder process to report back to council in the spring. And that needs to relate to both residential and to commercial. So those would be the three amendments, mayor pro tem, that I would be bringing. >> Alter: Thank you. So, we are not talking about fee collection anymore. >> Mayor Adler: We're not talking about fee collection as an amendment. It's something we hope gets considered in the stakeholder process. >> Alter: Okay. Great. Thank you. I appreciate that. So, a couple things that I wanted to share. I'm supporting the amendment for the fee calculation. But it does have consequences for the fees that will be assessed and how much we will take in in terms of revenue. And I don't know if pard can speak a little bit.

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I didn't ask in advance for the specific costs of moving to this amendment. It makes logical sense. It will provide a large amount of certain city to our developers, particularly with respect to residential. So I am supportive of it, but it is important to note that it does reduce the amount of parkland dedication fees that will be coming in when they have to opt for fee in lieu of land, and that is true for both residential and commercial. So I don't know if pard can speak to that a little bit. If this is relevant as we're thinking about how we're setting the fees, because this is actually a substantive and important big change that

delivers something to the developers that they have been asking for, but it does have financial consequences in terms of fees. So, if pard could speak to any

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elements of that that you think are relevant as we consider how much to raise the fees. >> Good morning. Assistant director for the parks and recreation department. Thank you for this discussion. And I want to mention that the entire team is here to help with those those answers. I will turn the question to Randy, but as far as assessing the fees at the beginning when the site plan is submitted, that does not have a cost for us and it is something that we welcome because it creates the certainty for the developers and it also alleviates the -- when there is a change for reviews. >> Alter: So just to be clear, I wasn't suggesting it had a cost

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in terms of pard's time. It does affect what you take in in terms of money for the fees. I didn't ask you in advance. You may not have a calculation, but, you know, if you change it so that it's assessed at assessment, and then it takes three years or a year and a half until you get your site plan approved, you're using a different fee when you pay at site plan approval, so that means you're taking in less money. So projects that are under way now, that let's say next year we increase the fee, they could be paying, you know, this year's fiscal year 22's fee. And yet, you know, so you're getting further out of sync in terms of what you're taking in from when you're assessing it.

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If you want to keep them, you still have to understand that balance, which I think suggests that we need to raise them somewhat. Obviously, I have never been advocating that we double them again. Perhaps Randy or someone on the team would like to speak to that. >> Good morning. Randy Scott, parks and recreation department. I don't have that number available for the impact, but pard is supportive of the amendment. Last year, September before October rolled around, we processed an enormous amount of site plans and subdivisions trying to get their fees in before the fees went up. There is a financial impact, but I think it also is good for the development community, some certainty of when they submit their site plans of what the

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fees will be. I was supportive of that amendment. >> Alter: Get, I'm not questioning the amendment. What I'm trying to understand is as we take into consideration the amendments that we're making and we assess the fees, if we adopt this amendment, which again, I'm not objecting to the amendment, it has an impact on the fees, which I think we should be taking into consideration when we assess the fee and determine where between 0% and 25% we need to go. And that's what I'm trying to understand from you. I've never been questioning whether this made sense for folks in terms of the administrative side of things and the certainty, but it has a financial consequence. And for me, part of what I've been wanting to do this whole time is make sure that we are ensuring that we have similar or more resources for parks to maintain quality of life, and if that is your goal and you're actually reducing it, then you need to affect that with respect to the fee. >> Mayor pro tem, we can provide that number before Thursday. >> Alter: Okay, thank you.

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So, what I'm proposing with respect to the fees, I passed out a sheet, so what I would like to do is for exhibit 1, which is the residential, I am proposing essentially that we increase the fee by 25% in order to do that. What you change is the land cost factor that you are assuming to generate the fee. That is the appropriate way. So it would be 25% above what we had from fiscal year 22. And I am suggesting that we adopt the commercial fee in lieu recommended by staff in exhibit 2. And what this does, this approach acknowledges that the rising land prices make it more expensive for the city to require parkland, while striking a balance -- different rates between the types of development services, a goal of creating more residential units and provides an incentive for

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residential development. >> Kelly: I appreciate what you're trying to accomplish, but to piggyback on what council member Renteria said, I think that it's become increasingly unaffordable in our city, and as council members, we need to use every tool in our toolbox to help make it affordable for people to live here. And I'm not sure that I can, as a renter myself, I have a lot of heartburn about raising fees knowing that they're going to be passed down from developers to individuals, either purchasing or even just trying to stay here. Thank you. >> Mayor Adler: Okay. Natasha. >> Harper-madison: Mayor, I appreciate it. I'll start by saying happy ham day to everybody. And then, you know, I think mayor pro tem really laid out -- excuse me.

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The concerns that she has about fee increases in a way that I really don't have to say a lot of what I was going to say. So most of what I'll say now is for the general public watching. Austin has some of the

highest per unit development fees in the entire state of Texas. Our dedication fee balance coupled with bond resources leave us in a really good position to continue to execute on our obligations as a municipality to provide adequate living space for our residents to enjoy. So, I like the direction that we're going. I think given that our site plan process literally takes years, I mean, you guys are probably hearing the same stuff that I am, but in two different meetings this week, we talked about infrastructure projects that have been completely stalled or abandoned frankly, because cost changes. So I really appreciate the way that Randy laid out that

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commentary around predictability. There's something to be said about knowing what to expect and what to anticipate. I had a conversation with one of our constituents over the course of the weekend and they really didn't get that component. So that said, I appreciate the mayor really incorporating the second part of my budget amendment into his motion for parkland dedication fees. Austin housing works and Austin housing coalition, those organizations that are made up of non-profit developers and individuals who are really committed to affordable housing, you know, having their expressed support I think really tells us a lot about, you know, the point that was made multiple times, council member Renteria, council member Kelly. That fee has to go somewhere, and it does come down to the buyer or the renter. And to council member Renteria's

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point about affordability for renters, I really hope that moving forward we really do start thinking more about how we can build in more protections for the over 50% of the city of Austin, the renters. I think that's a really important part of the conversation that we sometimes miss when we're thinking about these kinds of, like, fee assessments. So I think if we're committed to affordability, which I know we are, we have to listen to and work alongside those affordable housing community members on a solution that works best for housing, and really beautiful, comprehensive park systems. So, thanks for the time to hear me out, and I really hope that the community -- this is an invitation for more constituents to ask me some questions, like the ones I received over the course of the weekend. I think that person being able to take that information back to the community at large was really very helpful for their ability to participate in this

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conversation. You know, it is kind of wonky when you start trying to break down for people exactly how we assess fees and formulas and be able to simultaneously say, you know, I think maybe we need to take a look at how we assess fees. It's sort of problematic in my mind's eye. But for now, this is how it

works. I love those conversations. Thanks. >> Pool: Mayor? >> Mayor Adler: Yes, Leslie. >> Pool: Thanks. I've been hearing that it raises the cost of the rent or the purchase of the home for years and years and years. That is a standard argument against having a parkland dedication, bringing in enough money so that we can buy the land and maintain and operate our city parks. If we don't raise these fees, they won't raise the rents or the sale price of the property, because that's not really what they're looking at.

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They're looking because of the time lag. Now, at the time that argument is made, they're looking at what the cost is, but that is also the time when you can factor in the predictability of a fee whatever level it is that we set it at. So, I must say that after listening for eight years almost from the dais about these repeated arguments, I have to say I have never heard any guarantee from any applicant that, in fact, they will keep their rents low, and I'm not talking about affordable housing and affordable housing I think is even exempted from these fees; is that correct, mayor pro tem? >> Alter: Yes. >> Pool: Yes. There is key right here. We're talking about market rate rents and purchase prices. So I put that out there. And if someone has some concrete evidence or some real guarantee

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from developers and applicants that they, in fact, did not raise their rents because they weren't charged a higher fee, it would be great to see that. But that particular fact is explicitly absent. So that argument falls flat for me. I do think that there is a compromise for me between the 0 and the 25%, and I would really like to see if the mayor and the mayor pro tem can work to find that middle ground to present the us. >> Thanks. >> Mayor Adler: Yes, Vanessa. >> Fuentes: Thank you. I was wondering if staff could pull up -- there's a map that I want to share with my colleagues. It is the population growth map that shows the parkland division areas. I believe it was in the backup with the item at our last council meeting. Population forecast, park deficiency, where it shows the areas with population growth at

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50% or more by 2040. >> We can pull that up. Just one moment while we find it. >> Fuentes: Thank you. Yeah, you know, as a representative of the east side, particularly southeast, when I think of this policy and I see that the fees from this policy are going to benefit our eastern communities, certainly it makes me realize how nuanced this conversation is. It's important that we do have the exemption provided for income restrictive units, for affordable housing so that we can encourage developers to have even more affordable housing units within their developments. But knowing that so much of the fees from this ordinance go to parks on the east side. You know, so you have to be a little bit more nuanced in our

approach. And so I appreciate mayor pro tem that you have a proposal that instead of going to the full fee calculation that was

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set up for this fiscal year, you have offered a pretty significant and substantial compromise here with the 25% proposal. Rather than the full doubling of the fee. So I was wondering, mayor pro tem, if you could talk us through how you arrived to that 25% and why that number is important. >> Alter: Sure. Thank you. Appreciate your observations. That is really important to understand that parkland dedication is tied to where the development is happening. It's a tool that we have to avoid the mistakes that we've made in the past, where we haven't provided parks where we've developed, and that's why there's such a need in some places of our community. So, the way that I have been thinking about the fees is when we move to the formula in 2016, that we had adopted, we did something that was really important, which is that we tied

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the fees to the cost of land for us to purchase parkland. So, when we tied it to the cost of land for us to purchase for parkland, we incorporated a five-year average of land that is in there to say, you know, this is what we paid for parks. So that means that the money that we would be getting in is somehow tied to what it is that we're trying to provide, which is parks. What we've seen over time is the cost of land in Austin has gone up, and the cost of land has gone up not just for developers, but has also gone up for the city when we tried to purchase parkland. With the pandemic, with everything that's going on and the development that we have here in Austin, that cost of land -- and it's gone up at a rate that has made the fee double last year, and then it would have been doubling more again this year.

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I look at the formula, and the formula is telling us this is what we could charge. So it provides the nexus. It says that if we wanted to maintain park access at the same rate that we have it, this is what we would need to charge as we were going through the developers so that we could try to make sure that all of our new residents and our existing residents had the same access to parkland. I've been thinking about this as that is all true, that is the maximum. But we have doubled the rate of land, the cost of land, and that means that it's too much for a developer to absorb in one year. But it still means that the cost of land is increasing, and if we freeze it, we're not going to be able to meet the needs of our community with respect to parkland. Whereas if we go up a certain percentage, then we're at least moving towards that. I think that -- you know, I

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picked 25% because I thought that was a reasonable amount to increase year over year, given that the cost of land was more than doubling. Since you invited me to speak, I'll say one more thing on this, which is not on your answer, but that is that, you know, in fiscal year 22, the cost of land that's being used in that calculation is \$166,000 per acre. The only land you can buy for \$166,000 in Austin is not an acre, and it is very likely a floodplain and other things. And we really need to provide people with parkland that can be usable. This is a formula that we would use if we were using the numbers under fiscal year 23 is 366,000 per acre. And again, you cannot buy land that's usable and good for 366,000 per acre. And so, I do think that we need to keep moving that up. Hopefully the cost of land will

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not keep going up at the rate it is and that eventually we'll be able to catch up if we make adjustments. So that's where I got that, and that was a long answer to your question. >> Fuentes: That is very helpful, because I'm thinking through, if we didn't have this parkland dedication fee ordinance set up the way it is, how else would we go about funding and maintaining -- or actually just funding and acquiring parkland on the east side. How else would we be funding parks on the east side? >> Alter: So the way that we would do it is with bonds. Have to pay the cost of the development in order to maintain the level of parks. What's important with the parkland dedication, we've been talking a lot about the fees, and I want us not to forget that there's also the land dedication portion, which is really important, which happens when there's a park deficient area or there's a trail connection, because we don't have access to the park, and make sure that that park is right where we need it.

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But otherwise, you'd have to use bonds, and that puts the burden on the taxpayers rather than the developers. And I will just add, going back to the conversation that council member pool raised, that, you know, if you know your fees and they're predictable, it goes brought into the cost of land and it reduces the cost of land, which is good. >> Fuentes: Thank you. Yeah, and I think that is the clarity there to provide our communities knowing that if we don't keep up with the growth of Austin and understanding how much it costs us right now to buy land, we'll essentially be asking our austinites that we already know are struggling to stay in the city to take on those additional cost burdens for us to maintain a robust park system and for us to ensure that as we grow, and we know that the growth of Austin is happening on

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the east side, that it's just going to be even more challenging if we don't take this opportunity -- and I appreciate it, because we are saying we -- you know, there's a lot of compromise already in this proposal to only increase the fee by 25%. And so, you know, I am in support of some amount of increase to the fee structure for this fiscal year, and certainly, you know, look forward to hearing more thoughts from my colleagues. >> Mayor Adler: Ann. >> Kitchen: Okay. First, I wanted to just thank you, mayor. At the beginning, you sort of laid out the three or four things that were -- we have consensus on exempting affordable housing from the fees. So, that's one of those things.

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And I think, if I'm understanding correctly, we have consensus on the stakeholder process, right? >> Mayor Adler: That's my understanding. >> Kitchen: Okay. So, with regard to the item that -- one of the items that's -- one of the remaining items that's in front of us, the proposal that mayor pro tem has made with regard to the 25%, I support that. I also think it is a reasonable amount to add as additional. It makes sense to me. I also just wanted to set the broader -- from my perspective, the broader picture here is that I view parkland dedication as very similar to what we do for our transportation infrastructure. We have a infrastructure impact fee. And that is a fee based on -- that's tied to the development

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in an area, and we spend those dollars in that area, and it's designed to recognize the impact of that particular development on infrastructure. To my mind, parkland is an important and key infrastructure in our community. It's just as important to me as our information infrastructure. So, of course, the question is how much, but I think that what the mayor pro tem has laid out as an approach and a dollar amount here makes sense to me. And so, I can support that 25%. The other thing I would say is I agree with what others have said about the importance of predictability, and also the importance of streamlining our development processes. So we should continue to do everything we can to do that. But I consider that to be a separate issue from what I think is fundamental. Which is parkland dedication. And our approach to green space

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and parks, which I think is fundamental to our infrastructure for everybody in the city. And the last point is, I do think that the point about how do we -- hopefully we're all in agreement that we need a parkland

dedication fee and we're simply talking about what is the appropriate level, because the alternative is bonds, which you said actually puts a greater burden on people in the community. And also doesn't tie it to the area. So that's a long way of saying that -- I just wanted to clarify where we had consensus and where we were still talking through things and just wanted to clarify that I support the mayor pro tem's approach at the 25%. >> Mayor Adler: One additional item that there's consensus is the fee calculation issue, subject to legal taking a look at the language. Chito. >> Vela: I appreciate the comments and council member kitchen's analogy to the

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transportation impact fee is apt. Conceptually great plans. The parks dedication fee, for example, in my wall is a lot of departments going up right now. There's a lot of new developments. The fee is going to parks in my district, and there's land dedication that's happening within my district that is going to have a positive impact on my constituents, especially in areas where there were not parks available before. Transportation fee very similar, where the fees that are paid are dedicated to the area so that those areas that are seeing more development are getting benefits from that development, except conceptually, I think it's a great approach and I applaud the city for the approach. The problem is the level of the fee at this point. I think it is too high.

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And I am concerned with potential legislative involvement, particularly on the commercial parkland side. We've been discussing that. And the rumors are that there's already kind of moves afoot to either limit or potentially eliminate the commercial parkland development fee, to disallow them. And given that there are very few cities that levy the commercial parkland dedication fees and given the level that we're setting our parkland, our residential parkland dedication fees, I am concerned about potential legislative involvement. Great programs conceptually given the increases that we've seen over the last few -- I don't think there's any question

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that ultimately -- I mean, yes, developers pay the fee, but do they pass along those costs. There's just a wealth of analysis that finds exactly that. I mean, very similar to property taxes, where ultimately the users, whether it's a cigarette tax or alcohol tax or a motor vehicle tax, ultimately the end users are the ones that bear those fees. And when we're taxing residential housing, that ultimately is absolutely going to be borne by an impact of the people that are renting those apartments. And that's another concern, I think, council member Renteria and council member harper-madison addressed that very well. I support everything that's on the table except for the -- and I will be voting for the commercial parkland. I'm

concerned about it. But I do think it's a good step. Hopefully it won't go down in the Texas legislature. I would say that if we hold the line on our parkland dedication fees, that probably improves the

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chance of these items surviving, you know, unscathed in the next legislative session. >> Mayor Adler: Thank you. Just by way of house cleaning, item number 53 that's in backup, which is the combined residential and commercial, just so you can find the items that Ann just mentioned. The affordable housing is at line 75 through 79, that's on page 3 of that. It's underlined. And the calculating fee is at line 528, in the calculating the fee section, in case you want to see how those things are actually placed in the ordinance. I also understand -- why don't you go ahead, Pio, and then I'll go. >> Renteria: Yes, mayor. We have been asking what the fees have been impacting affordable housing now for I believe over three years, and we haven't been able to get the answer. I know there's a lot of resistance on the council to

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going to view this kind of items, and request some of my colleagues have made. And by the way, I want to ask, how much do we charge presently now for residential housing? Is it by the unit or by the square feet? >> Residential is by the unit. >> Renteria: And how much is that? >> It varies from high density apartments to single family. The different types of units are based on the number of people in each type of unit. >> So the proposed -- the fees for -- sorry, I'm just trying to make sure I have the right -- that that's the correct one for last year. The current fees, the 2022 -- or

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the 2021 fees are 2,900 for a high density unit, and they range up to 4,700 about for low density unit. That's for the land fees. And then the park development fee is about 526 for high density unit, ranging up to 867 per unit for a low density unit. >> Renteria: Thank you. That's a thing that really concerns me. We're already charging such a huge amount on these units. And we keep on adding more. You know, one of my colleagues said earlier that, you know, she'd been here eight years and haven't seen them reduce rent. Well, you know, I've been here eight years and I've seen continual increases in fees. We don't want to loosen our land development code so that we

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could get it done faster and cheaper. You know, we went through a who process with codenext, and we were saying that if we do not allow the kind of development that Austin needs, that the land prices are going to go up, which it did. I mean, it's just obvious. I have the same argument in my top list that we don't want any increased density here. We want to keep our neighborhood the way it is. Now those homes are selling for over \$400,000, and they're almost 50 years old. If we're going to continue to do these kind of policies, we're not going to allow density, we have to go through the whole process of going through the council and delay these type of projects, then yes, the land price that we pay -- yeah, we

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could argue about land prices going up. When we're paying that kind of money just for, you know, a 90 X 60-foot lot. I mean, that is going to drive these prices up. We can always say no, it's not what's going to happen. We're going to have land. But citizens of Austin, you better be aware, because your rent's going to go up even higher. >> Mayor Adler: Thank you. I have a question for staff, and in hopes of speeding things up on Thursday as well. There's been some recommendations that have come from the planning commission. Council member harper-madison, you've indicated an intent to maybe bring some of those by, and I appreciate your leadership on this. I've moved ahead and put into the base motion some of the things I've heard you talk about in terms of affordable housing and charging, and I appreciate your leadership on that.

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I'd like to ask staff if you would react to five of the planning commission items that I think that I've heard council member harper-madison raise, and I know people in the community have raised, and I'd like to know if there are things that you are good with, or whether you have concerns about them. And specifically, I'm asking about the planning commission recommendations 1, 3, 4, 7, and 15. Number one is a small business exclusion, defining it as businesses that are less than 5,000 square feet. That's a planning commission recommendation. Are you guys good with that one? >> Tom with the parks and recreation department. Staff responded as neutral to this. We think it would have minimal impacts on the overall requirements and the funds that would come from such an amendment for parkland dedication.

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We did suggest that it may be better to frame it instead of as square footage minimum, it would rather be equal to less than one whole functional population. So, really, the ordinance that we've proposed -- >> Mayor Adler: Less than what? I'm sorry. >> Less than one functional person for that. Essentially, the

square footage is an express of how many employees would be onsite for a new commercial development. So we thought it would be more suited to the way the ordinance is crafted to specify the less than one functional person. >> Mayor Adler: As an employee. Commercial establishment with less than one employee. >> Well, one employee after the discounts that are applied to a commercial development. There are a number of discounts that are proposed in the ordinance, such as the commuter rates, occupation, occupancy rates. So after those discounts, exactly. >> Mayor Adler: Could you provide us language that you

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would recommend if you haven't already? >> We can, yes. >> Mayor Adler: Thank you. >> Alter: I just want to clarify that the planning commission's recommendation was different than the one that you put on your base motion. They recommend doing that. But making sure that you still had to dedicate land. Remember that the key part of the commercial ordinance is not the fees. We've been talking a lot about the fees. But the real key part of the parkland dedication ordinance is the land that we get. And so there becomes some challenges from a legal perspective potentially if you do that. And so, I had been -- I had spent some time going through this process, and I do not support that unless we can also find a way to do the land, which is what the planning commission recommended. And so if we can find a way to exempt them and still require the land where it's a critical

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connection, I would support that. But I don't know whether we'll be able to do that for Thursday because please remember that we talk a lot about the fees, but it is really for the commercial, the key part of it are these trail and mobility connections, that we're able to have those conversations and that we're able to require them to share with the community that are very often not going to be something that's going to affect their building, but does allow for that mobility and that extra access to the parks. >> Mayor Adler: Okay. The next one I want to ask about is number -- planning commission recommendation number 3, parable credit for flood land deemed safe by pard, parks and rec.

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>> We do have a code section 251603d that allows for 50% credit for land that otherwise isn't suitable. We do feel like that the language that's in code currently is broad enough to encapsulate this idea, and we've also felt that because it is a little bit broader of language that's in code today, that it colt provide for a more context sensitive approach. This is something the development community has asked us about in the past. We'd be happy to work on specifying the kind of suitability instances where we would provide 50% credit for 25-year floodplain in kind of a memo that we've given or worked with

development services on in the past. So staff kind of neutral. Felt that this was something that was already in code. >> Mayor Adler: Okay. Certainly anything we can do to

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help with predictability ahead of time for planning purposes I think is part of what people are searching for. >> Alter: Mayor, if I could also just add, that's really something that would be in the operating procedures and not in the ordinance and we don't tend to dictate the operating procedures. >> Mayor Adler: The next item is item number 4. It concerns how we collect fees for mixed use projects that have both residential and commercial. You want to address that issue? >> Absolutely. So, there was some concern from staff on this one that essentially you'd be exempting, you know, the commercial development side from providing a proportionate impact to the parks system. So there was some concern that it wouldn't be meeting the impact on our level of service, and since you kind of decouple the requirements from the impact, that that could provide some additional scrutiny of how we're administering the

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requirements. >> Mayor Adler: Okay, thank you. >> Alter: Mayor, my numbers don't line up with yours. Number 4 was the fee calculation on my -- >> Mayor Adler: On the planning commission recommendation? >> Alter: Yeah. I'm just trying to follow what you're doing. >> Mayor Adler: I may have written any notes down -- or maybe a different list. I thought we did number four. >> Mayor Adler: These are the planning commission recommendations. It's on the agenda as backup? Do you see which one is the mixed use? >> Alter: It's number four of your amendments, but it's not of their amendments. >> [Inaudible] >> Alter: I understand that. I'm trying to track it to the actual planning commission recommendations. So that the planning commission only took up commercial. They didn't take up residential.

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It wasn't on their thing. And so some of these things are morphed in the way that they're presented on the amendments that the mayor is putting, and that was not exactly what the planning commission recommended. And so I'm trying to track it back to the case. >> Mayor Adler: Got you. So these were not amendments that we were going to bring. They're amendments that were identified as coming out of planning commission. But thank you for the correction. Number four in backup of the amendments that appears in backup is the one that we just asked staff to comment on. Similarly, item number 7, which I guess is amendment number 7 in backup, is the one that exempts master development agreements on city-owned land. Staff want to respond to that one? >> Yes, thank you. We heard from

economic development that this is something that they wanted considered. And this is something that we were kind of neutral on. We do recognize that, you know, potential projects that are done

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with EdD and that have the development agreements with the city could have an impact on parkland, but understand that the city is undergoing these negotiations today and the changes in the requirement could affect them. >> Tovo: I'm struggling to understand why we wouldn't want developers of our land to participate in the same program that we require of others. Is that something that our parks department recommends? >> That was an argument that some of the planning commissioners made that evening as well. >> Tovo: What I just articulated? >> Usually we negotiate staff -- the mda and usually their superior, more like a pud is, it relates to parkland as well.

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Arc or Mueller or other ones like that are usually -- Ryan drive. They're superior as it relates to park already, go above and beyond what's required by the parkland dedication. >> Fuentes: And I believe we're talking about just the ones that are in negotiation as of August 1st, 2022, and that was just to recognize that there's already negotiations going on in those master development agreements that would then be radically altered by having to conform to a new ordinance that is like sort of being written after they've been negotiated. And so it was just to exempt those few that were already in discussion and negotiated. Not all moving forward. >> Tovo: I see. If somebody -- is there -- I'm trying to understand what we're doing here. Is there somebody on this dais who is planning to bring that

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one forward? >> Mayor Adler: I haven't heard anybody that's bringing it forward, other than I've heard it being raised and offered, so I wanted to make sure that we have their perspective on this as people were approaching Thursday. >> Tovo: I would need some more information about this if somebody is going to make an amendment. And I hate to ask for it if no one is bringing it forward because it's just a kind of waste of staff time and effort. But I would want to know exactly which mdas are in progress, who would be impacted, and those that would be exempt from -- I have a couple in mind. I would want the full list, please. >> Alter: Mayor, I had a question that -- I think that because they're mdas, this can be waived within them regardless; is that correct, legal? I'm not sure if it's necessary from a legal perspective. And obviously, I would want those mdas to have as much parkland as possible. But I think -- I remember

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looking at this one and thinking it made sense, and then going through a rabbit hole with it. I think where we came out was they could waive it anyway within the mda; is that correct? >> Good morning, mayor and council. Erica Lopez, assistant city attorney. Our suggestion would be instead of creating an exemption in the ordinance just to create a separate part of the ordinance, where council gives direction to city staff to wherever they bring back the mdas for council consideration, to waive those requirements as part of the negotiated package deal. So instead of exempting it specifically in the ordinance, it's considered on a case by case basis, and the whole package, all the community benefits of that would be considered as part of the mda process instead of just putting it in the code. And that would just be a separate part of the ordinance that we could add on.

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>> Alter: But do you need that in ordinance? I mean, we can waive an ordinance. Like, they come back with the mda. We have to approve it. I mean, do we have to give you direction that if you're coming back and you're waiving it, to waive it? I mean, I'm just trying to -- it seems like it's not a necessary step. >> No, but right now, it would -- the -- I guess this ordinance would be creating a new regulation that would be considered, and there's a possibility that it's been raised to me by staff that there's a possibility that there's some current mdas that are being negotiated where this would be an additional regulation that they would have to consider. But if you wanted to make it as part of the ordinance as an exception or not, we're just -- you could also be silent to it as well. >> Alter: I understand the challenge that is trying to be addressed, but I think in each of these cases, we've clearly

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indicated what our priorities are for those properties, and if a waiver is necessary, you just come to us and you ask us for the waiver, and it seems -- because then you have to only do it for mdas that are currently in progress, et cetera. I just -- I don't know that anyone's bringing this, but to me it seems not necessary, and, you know, mayor, I went through all the amendments because I really appreciated the planning commission's work and effort that they took to review the commercial parkland dedication. So I've been down this direction, and it doesn't seem to me that it's necessary. I understand the concern that's trying to be addressed. >> Mayor Adler: Okay. Again, with an eye to shortening our time on Thursday, I'm raising the issues that I've heard -- for amendment number

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15. Which I think is really a direction about integrating parks with transit. Does that language look good to you? >> So, this is something we already considered when we look at dedication cases, we often, you know, factor in these kind of things into how we design the parks with applicants often with infill site developments that are located near these sorts of facilities like bus and rail transit stops. So, I don't think there's any sort of amendment necessary to have it to be like a requirement. But we definitely appreciate and support the direction and the notion behind it. >> Mayor Adler: Okay. What about amendment number ten? Which one is that? >> This is the one for art galleries, workshops, music theaters, and live music venues.

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There was a concern about a pending resolution for adoption by council. Generally, we felt similarly to amendment number 1, which was that it would have a relatively small impact on the overall requirements and the fees that would be collected from those types of uses. However, we recognize that they would still have an impact that we're trying to account for proportionally with this new requirement. >> Mayor Adler: Okay. >> If I can just add, any project that's under 3,000 square feet is already today exempted from the site plan process, so it's already today would not be considered, if it's a small art gallery under 3,000 square feet, it would not be considered. It's also only new projects. So an artist moving into an existing building would not go through the site plan process. It would not be effective as an ordinance. And then finally, one consideration is that art galleries, artwork shops, et cetera is not a zoning use. It's a use that could change so if the use changed and didn't go

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through the site plan process in the future, there would be no way of capturing the impact. So there's no guarantee there's going to be an art gallery for an extended period of time. >> Mayor Adler: Okay. I think those were all the questions. Yes, council member harper-madison, Natasha. >> Harper-madison: Number 15, we didn't quite cover the part that I wanted to offer some direction on. I wanted to offer some direction to the city manager to consider potential future locations of bus and transit stops along transit corridors when requiring land dedication. And I intend to post the detailed messaging and the reasoning to the message board. >> Mayor Adler: Okay. >> Harper-madison: Also number 7. We got the support of staff

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there to change the language to Ena. So from mda to Ena. >> Mayor Adler: Are you speaking to what the council member raised? >> Kitchen: I had a question for her. Council member harper-madison, can you help me just flesh that out a little bit so I can understand, when you say staff consider the locations,

what do you mean? So that we have more green space, or less green space around transit? Your last thing that you wanted to bring on the direction. I'm just wanting to understand it a little bit better. >> Harper-madison: The consideration for each locations for bus and transit along transit corridors. I mean, I don't know that I was asking for more or less so much as a guarantee that we get some

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around -- >> Kitchen: Okay, that's fine. >> Harper-madison: Around transit and how we incorporate that. >> Kitchen: Okay, that's fine. I just wanted some context. >> Harper-madison: Is that helpful? >> Kitchen: Yes. >> Mayor Adler: Allison? Council member harper-madison, I would just ask that if you could please share your amendment as soon as possible, because I think we just discussed something really similar and said it was already part of the considerations that they do, and as part of the procedure of what they look at, and we also talked about for the mda Ena that that really wasn't a necessary part of the ordinance because staff can just come back to us and say it needs to be waived as part of the projects that they already have in the works. It's hard sometimes when you're

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remote to catch all the nuances. I just wanted to flag that. If you are going to bring something, if you could post it as soon as possible, perhaps we can respond on the message board and save us some time on Thursday. >> Harper-madison: You said, mayor pro tem. Like I said before, I plan to post that to the message board as soon as possible. I certainly don't want to put them on the spot. I don't know if EdD is around. But I'd like to confirm with EdD that that change from mda to Ena was something that would be beneficial. And so once I make that post, once we have the opportunity to just get confirmation on that, then I'll have a clearer picture as to whether or not we're in agreement about whether or not it's necessary. If it's not, that's great. If I make the post -- the determination is made that no further work needs to be done, I think that's awesome. Just want to make sure certain that we're not missing an opportunity, if it does need to

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be some explicit direction. >> Mayor Adler: Anybody here from EdD that could speak to that? >> Mayor, not at this time, but we'll get back to the council member and make sure that the rest of the dais has that same feedback. But we currently are on that state where we don't think that further direction is necessary, but we'll follow up with the council member to make sure that her questions are answered. >> Mayor Adler: Great, thank you. Anything else on parkland? Kathie. >> Tovo: Council member harper-madison, we may have gone beyond this, but I'm not understanding the shift from mda to Ena. And what the intent is there. Council member harper-madison, I was asking, could you help us understand

the shift from mda to Ena? >> Harper-madison: Sure. And I really think this would be an appropriate time for staff to speak to the question. Mostly it's to not disrupt the negotiation process, is my

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understanding. But I'm certainly not the subject matter expert from the economic development department. So I think it might be helpful if they were to offer you some clarity around the rationale for the request there. >> Tovo: And Spencer, when you have your staff respond -- thank you, council member. If your staff could explain why they are -- if they are recommending that this flexibility be built into the ordinance, why they believe they don't have that current flexibility just in the same ways that mayor pro tem alter suggested, it almost sounds like we're then negotiating against ourselves before we're even in the negotiating process. I'm not sure why the staff, if they did request that change, why they would have requested that change. >> Alter: I think the issue is we were adding the commercial parkland dedication and those negotiations had started before commercial, and so it was to not add the commercial on top of it when they were already pretty far along in their negotiations. I think that was the piece of it

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that was of question, not the residential part. Just as we don't apply it for other folks until January. I think that was the rationale. And remember that the planning commission was only looking at commercial, not a residential. >> Tovo: So it would seem to me -- thanks, that's helpful. It would seem to me to be a matter of excluding projects that are currently in the works, rather than setting this at an exemption from here on out. >> Alter: And I think that's what the proposal from the planning commission was, but it's also true that it's not necessary because they can just waive it. >> Mayor Adler: And I think the wording of the amendment that's in backup had that date in it. Both that it's an additional point that's true. Your question about the date, I think the date's already in it. And just to channel council member -- an Ena is a nook in an

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negotiating agreement and mda is a master development agreement. Anything else before we move past the parkland issues? Thank you all very much for your work on this. Thank you. We have items 54 and 61, Castleman bull house, and 55 and 60, the convention center garage. I think both you and I have pulled these, Kathie. You want to go first? >> Tovo: Sure. So the Castleman bull house -- well, let me just say, in case next year's council decides to do this, it's pretty complicated, if you push your budget amendments to after the budget process, as we discovered, because then you have no budget ordinance.

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These were the two items I brought forward during the budget process. And we K ran out of time to do them. So, I did go ahead and build ifcs related to these that you'll see in the backup. I want to just call your attention to the fact that with the Castleman bull, I did three versions. I'm not sure if you've seen the third version. I had distributed on the dais that day and probably posted as well and distributed via Katie. But it does ask for the convention center and the historic preservation office to define a scope of work for the restoration and renovation for some other things. So I think it does build in a study piece. But this is a very interesting property. It was constructed in 1873. It came in to the city's possession more than 20 years

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ago. So for more than 20 years, it has sat vacant right across the street from the convention center. There were some plans early on and some money that was available from the private sector to do the restoration and I haven't gotten to the bottom of what happened, but it didn't go forward. Let's just say that. It didn't go forward. Several years ago, the convention center renovated the exterior and had plans to use it for an event, and then covid hit, and that didn't happen. But we have yet to undertake the restoration of the interior. And so my budget amendment, now resolution and budget amendment, would, one, provide some direction. It seemed like a few years ago when you did the exterior restoration that there were conversations about doing the interior next. Maybe that was just where my mind went, that we were starting with the exterior and were going to move inside because, you know, it doesn't serve any of us well to have a city building

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sitting vacant for more than 20 years. None of us were on the dais when the decision was made to accept this position, but I think it's our responsibility to restore it and to use for a city purpose. Especially since it's sitting on downtown real estate. I think it's really important that it be used and be a functioning occupied building. Sometimes I've sat on this dais and heard conversations from my colleagues about, you know, should we -- is there a policy we can put in place, if there is a demolition downtown to make sure that that demolition happens closer to the time of construction, so that we don't have vacant properties sitting downtown. And it's hard to ask other private developers to be a part of that when we have had a vacant historic property sitting downtown for several decades. So this action would firstly ask the convention center and the historic preservation office to

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work together to define a scope of work for the restoration and renovation of the Castleman bull house. It would by separate action allocate \$8 million toward the restoration that may or may not be sufficient. I think we'll know once the first be it resolved and the next be it resolved are completed. And the next one we'd ask that an interior -- that an updated estimate be provided to us no later than the 1st. But my intent is to get some forward action on this item and to come to some conclusions about how we're going to use it, but to make some strong commitments about restoring it. The next be it further resolved I'm going to alter a bit because it speaks to the forthcoming palm district plan integrating the Castleman bull, and that is drafted and coming forward to us, and I think there was

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conversation around the palm district plan, and in a minute, I'm going to have the email I think that we have with some information about how exactly it integrated that. So that is my proposal. I would love to hear questions and comments. Again, I'm aware that the estimates that we have are older ones, which is why I've asked staff to make that estimate to also do that analysis from the perspective of the secretary of interior standards and to get serious about getting that restoration work done. >> Mayor Adler: Roger, can you give us your comments on these two things? You or your staff. Castleman bull. We'll start with that. >> Certainly, mayor, and I'll turn to staff in a second. But I think these are important discussions to have, and I think because -- conducting that study, that's certainly

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something that we would recommend pursuing at this point in time. It's hard to know without having that information what that future next step might be and what the council direction and support would look like in that regard. But I'll see if they want to add anything. >> Tovo: Can I ask the manager about what he just said? >> Mayor Adler: Sure. >> Tovo: Manager, I'm not totally following what you're saying. I mean, there is no -- absent this resolution, there is no movement to have a study on it. >> Sorry if I wasn't clear. I think that the staff is supportive of a study and seeing what those future discussions might be regarding that important asset that the city has. >> Tovo: What would -- I think the question that I have is, if we're -- I assume there was always an intent to restore it, because we spent more than a million dollars to restore the exterior. So I'm not sure what the other

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alternatives would be absent restoring the interior, right? Because we've already spent more than a million dollars to restore the exterior. Certainly there was not a plan -- I assume there was not a plan to now have that be the final action on this building and to leave a piece of a historic structure that we accepted responsibility decades ago stand vacant from now on. So I assume there was an action or an intent, and what I'm saying is it's time now to take that next step and begin the process, not of studying it, not of discussing, but really getting serious about doing that restoration. >> Thank you, council member. I want to also echo our sincere appreciation for council members' interest in Castleman bull house. And it's an interesting response because of course we've got the property, which is now a piece of property from the convention center. And as you all know, we've looked at not just the convention center as a building, but the entire area. And what we should be doing with

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regard to that area. And then we've got the palm planning district as well, which also took into account the Castleman bull house. And that's where they've worked with a number of stakeholders to identify all the assets that are in that area and how we can collectively use those assets. So in that regard, director Tricia can certainly provide information as to why we stopped at the exterior and why we needed to make those exterior reservations and how we plan to approach the interior. I believe the interior is more in line with the collective assets that we have there rather than any one particular asset. >> Good morning. Thank you very much. Tricia Tratiro, director of the convention center. You are correct. With the house being donated to the city, we did undergo several studies, and we were balancing

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our capital improvement projects, and what the initiatives are for the convention center originally. So we felt that it was very important to do our due diligence, and we worked with the palm district, we worked with Waterloo greenway as well. And we were trying to develop a path forward to renovate that facility that would incorporate everything going on within the district. And so given the redevelopment and expansion project and the timeline of where we were with the palm district, we made the decision to start with the exterior of the facility. So, during covid, we did renovate the exterior of that facility, and it is completed. Staff is very aware of the asset and committed to, you know, continuing the process, of renovating the interior of the house. Staff believes that it would be most appropriate to continue to wrap this house into the redevelopment and expansion

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project because we will be renovating the entire convention center facility, including portions of the street and potentially that east side of red river. So we have every intent to renovate the interior of the

facility. We wanted to roll that into the overall design of the entire redevelopment and expansion project. So I'm happy to answer any additional questions you might have. >> Mayor Adler: Let me ask a couple questions. Just so that I know. And colleagues, I've handed out something that asks for the study, and Kathie, where it's different is your resolution authorizes the expenditure and also asks for a study. It's just a new enough issue for me that I haven't had a lot of the background or been able to vet it or study it. Just because I don't know enough

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about it so I'd like to see the study in order to make the determination about authorization subject to the discussion here and on the dais. But that was the reason for that. And that's why I still handed it out even looking at the version 2 that you had. Is there a discussion -- do we know we're going to renovate that building in that location? >> So, that is something that will be borne out through the design process for the redevelopment and expansion project. I mean, it is currently where it resides, it does not have restrooms, it does not have power, it does not have water, because the house was just dropped there. So, we designed the exterior to restore it back to its beauty and its glory, and additionally, renovated the fence and some

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landscaping around that. If it were to be renovated with convention center tax funds, it would have to remain on its existing property, I believe, and it would need to be used as a convention center use, meaning that we would need to lease that, or give our customers the ability to lease that space. So, if it is the desire of the council for the renovations to happen in an existing place, we believe that the funds would be eligible. >> Mayor Adler: Is that the plan, or is there a plan yet? I mean, where are we on this? So the question that the council has is, do we authorize the money and ask for the plan, or is there a reason we would want the study before we authorize the dollars? >> And if I could, that was part of the palm planning district conversation that we've been having as well, which is, let's talk with the convention center, let's talk with the waterway greenway conservancy as well, as to what the future could be for

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the Castleman bull house. So we wanted to wrap that discussion in as part of the palm planning district, as council member tovo mentioned, that plan will be coming to council. And the plan will say that. However, that is a next step following the plan, which is to engage with Waterloo, engage with convention center, and identify a recommendation for the best plan forward for Castleman bull house. >> Tovo: Can I ask a couple questions about what they just said? >> Mayor Adler: Let me make sure that

no one else wants to introduce anymore questions. Council member harper-madison. >> Harper-madison: Thank you, I appreciate it. I've got to be better about hollering out. I've been raising my hand for a while. Several things including, you know, I want to make sure that we point out for my colleagues, especially my newer colleagues who weren't here when we did it, and for the general public, that as a council, we already -- we committed ourselves to recognizing that our publicly owned assets, city owned assets should not honor people

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associated with the confederacy and with white supremacy. And so, I would really need to understand how we bypass that commitment with this project, with this initiative. A quick review of the historical record shows that the house is named after individuals involved in the south's fight to preserve enslavement of African-Americans. I definitely -- I mean, before allocating any budget for restoration of this property, I think it's important that we have a community engagement process that's thorough and offers the opportunity to discuss how do we as a city make a commitment financially especially, given our limited resources currently, how do we make a financial investment in preserving the history of this house and develop a targeted

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restoration estimate? I support the mayor's amendment, but I definitely have a lot of questions and concerns. They're related. You may not see why, because I've been behind the scenes with both items. Y'all might have seen the report that came out about the audit we asked for in the black embassy resolution that we authored. I mean, the earliest indications when asked what are the financial implications of racism and segregation in the city of Austin, like basically, the question is, how much money represents, you know, the intentional disinvestment in communities and people. And it's a lot. And it's the first pass. And S -- and this type of financial investment.

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It's incongruent. That's all. Thank you. >> Mayor Adler: Kathie. >> Tovo: Council member, thank you. You've raised a really piece of history related to this house. I want to call your attention to the last clause in the resolution, which raises part of the issue that you raised, which is asking our staff to conduct a community input process to consider the appropriateness of changing the name of the structure, because of its association with the confederacy, and in keeping with our policy of reviewing facility names associated with the confederacy. You know, the challenge at the moment -- and I don't think that addresses the question that you've raised about whether or not we should expend additional

funds on this facility. I don't know -- I would say at this point as a facility that belongs to the city of Austin, we just spent more than a million dollars of convention

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center dollars reviewing -- doing the exterior, and it's not being used as an office or for any other purpose at the moment, because it can't be. Because they need to do the interior restoration. So I hear the point you're making and I'm going to give it some consideration, but I'm not sure what the alternative is. Because at this point, we own the building. It's in that location. We've put a million dollars in. Council member harper-madison has her hand up. >> Mayor Adler: She did. And I was going to recognize her when you were done. >> Tovo: And I do have a question for the staff -- well, I have a question about the funding use. >> Mayor Adler: Okay. Natasha, did you want to say something before Kathie asked her question of staff? >> Harper-madison: Yeah, I just wanted to make sure to point out that I guess what I'm asking is that we have that community

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engagement process before we allocate an additional 8 million. I absolutely understand that we've already made some investment, but I don't see that as the impetus for making more investment. I'd say it would be appropriate for us to -- well, that's neither here nor there right now. I think the community engagement component should happen before we make any additional investment in the structure. >> Mayor Adler: Kathie. >> Tovo: Thank you. I think that's very helpful. I will take that into consideration as I'm tweaking this a bit, and I think that that could certainly happen and should happen, and I understand your point and will work to flip-flop that. I would still like to see some money set aside for this purpose, if the council decided to move forward so that that money is there if and when the

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community decides that it's appropriate to move forward in some way. Again, I think we -- I would just really suggest that there be a -- well, I've already said my peace on what it means to have a city facility standing empty downtown. With regard to the questions you raised, director, the convention center -- I mean, whether or not it stays in that location, the convention center has already spent a million dollars. I'm not sure what the alternative would be, if it was going to become -- if it were going to become an asset of somebody else's department, say the parks department, I assume they would have to repay those convention center dollars. So at some point, city manager, you must have made an assessment that this is now under the stewardship of the convention center. I mean, certainly we've never had a conversation that I can recall on this dais in any of my 11 years about the Castleman bull house. And so, you know, that has been

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something that you've directed, I assume. >> If I can, council member. A large portion of the renovation of the exterior facility, the decision to make those repairs was to keep the interior of the facility as intact as possible. So a lot of that was meant for preservation of the house itself. So the exterior got a new roof, new windows as needed, doors as need, painting, things of that nature. So it was to preserve the house in its existing condition until there was such a time where there were decisions made as to whether or not to renovate the interior of the facility. To answer your question about the funds, I believe that, you know, perhaps Laila may be able to answer the legal use. >> Tovo: I think my question was -- you had said -- and I guess I'm wondering if we haven't

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already crossed that bridge since we've already spent convention center dollars on that property. And so they would need to either be repaid or something else would need to happen, because we have already -- I mean, the manager -- you all and the manager have already made that decision. >> This is leela fireside for the city of Austin law department. And we can certainly explore whether or not that would need to happen. It may be that the way to address it would be at such time if it is moved to a park facility that is frequented by tourists or convention delegates, the funding would be adjusted through the historic hotel occupancy tax allocation, because I think we're talking a number of years down the road.

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So it's the kind of question that we can explore the >> Tovo: We have so many, I would not like to see it shift to historic preservation dollars. We have so many, many projects and lots and lots of city facilities that are competing for those dollars, as well as properties out in our community. And we've made a commitment and I think are doing a really good job of spending those dollars out in the community on a diverse array of historic structures. So to me this is eligible for convention center dollars and should continue to be funded in that manner. I also understand that the palm district plan did not propose moving it at this point. So I have not heard any proposals in 20 years, including in this most recent planning effort that was undertaking, looking at the scenario and thinking about shifts and planning and whatnot. And it's still not recommending a move. So I think putting off a decision about restoring it

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because we might decide to move it is also not a plan that I could support. >> Thank you, council member. And to elaborate, when Tricia answered that question about like if, it was really a what if scenario. So there was any contemplation if we were moving that house off that area. But it is a convention center asset. We viewed it as a convention center asset and to your point we are able to view those eligible hot tax dollars for the renovation. So at the same time we do recognize that the palm planning vision will come out and will want to have conversations with stakeholders, including Waterloo greenway about the best use of that, but for right now it is a convention center asset. >> Tovo: That answers my questions. I would say councilmember harper-madison and mayor, you've both spent some time looking at it and have some ideas. At the moment I don't have a subquorum and I would love to work with you queen here and Thursday and see. I think I've already invited you to that.

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>> Mayor Adler: And your suggestion is kind of the workout here to set aside but not authorize and let them come back and might actually be the way before it. So let me think about that and let me talk to other people and that concept to see. You may have helped us. >> Tovo: I think that work, the updating of the analysis and the estimating of what is required to meet the secretary of interior standards is going to take some time and allows and affords the time to have the kind of community discussions that councilmember harper-madison, you are describing in addition to the one that I had already put in there to discuss the name association with the confederacy. >> Mayor Adler: That would also address my concern of not actually doing the final authorization until the study comes back so those things would dovetail. It would address your concern on making sure we were in a position to be able to move forward if that was the decision at that point. >> Tovo: We never authorized the funds until the contracts hit us anyways. All we're really doing ever

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is setting assignment. >> Mayor Adler: Staff works under the assumption at that point that the decision has been made and it doesn't consider alternatives and just points in that direction. Councilmember harper-madison. >> Harper-madison: Thank you, mayor. I appreciate the recognition. Something occurred to me as councilmember tovo was talking about having made the investment and what happens moving forward as a result of us being in a position for this building. It's something we've been working on back to my point about the resolution that I made reference to earlier. The black embassy needs a physical space so we have brick and mortar that is unoccupied and needs to be occupied. I think we should take that into deliberation on Thursday. >> Mayor Adler: That's an interesting idea. >> Tovo: Council member, I look forward to that discussion and I think in preparation for that and maybe our offices can have

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it between here and Thursday, but I would ask law to help us with how that works if the convention center investment has taken place on the exterior. What would be a path for allowing for that to happen. >> Tovo: This is very similar to the convention center center, to the city hall amendment that was brought in the budget. That one passed. We agreed at the time to to raise the rates to better cover our costs and also to better reflect -- well, let me say that, to better cover our costs. We raise them to an extremely conservative number and one that was in

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keeping with the rates around it, the convention center garage parking rates are the ones that I'm proposing are the same, I believe, with the exception of some of the ones that were already in place from the convention center. With the parking garage here there is a general fund for-profit and we agreed to look at it in a couple of month and see whether those estimates were lower. Whether the additional revenue is actually going to be higher than we agreed to assume. The same is true for this one. Because there were concerns from the convention center there is a provision that asks them to come back and check in. I would say there are a couple of differences here. One is that the parking garage for the convention center goes towards paying debt and so as we talk about projects that are expensive for the convention center to undertake including an expansion, it seems really important that we use our

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assets and make sure that we are responding appropriately to the demand on it as well as to the costs that are associated with operating that convention center parking garage. I have to just share that I was troubled that sort of unfolded in last time's q&a. I'm troubled by fact that the convention center sales team spent time calling convention operators to ask them to please weigh in. And it would seem to weigh in against this proposal. Make just once before have I seen city staff spend time trying to lobby opposition against a council amendment and, manager, I've expressed to you personally and I've expressed to assistant city manager Gonzalez as well how concerned I am about that action. I think this is a very reasonable proposal. I think we need to be good fiscal stewards of our properties. I think especially when

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we're working to pay off existing debt I think we need to be -- the concerns that I see expressed both in our discussion last time about the convention center as well as in the messages that were solicited for

our consideration, I see concerns about how this could impact conventions. As we discussed last time on the dais and I think that councilmember pool asked this question, the convention center always has the ability to validate parking at that garage and does. So I think that very handily addresses that concern about whether or not it's going to impact conventioners, it won't at all unless you choose to get LTE it impact. I know at this garage and the long center. I park at the long center sometimes when there's a additional event and the operators that day have paid the charges. And if you say you're going to the settlement garage sail they wave you in and you don't pay.

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Or there's a set rate for the day. So there's flexibility that can exist in the convention center garage if there's a particular show where there's going to be a smaller rate. We can certainly build into this whatever kind of caveats you need to make sure that the conventions that operate there still come and participate. I frequently have had the experience of going to a show at the long center and paying more for talking -- not the long center, the palmer event center and paying for parking than the show it's assessment and I think that was one of the concerns I heard, but it's also well within the control of the parking garage and you as operators of the convention center to modulate around. Councilmember Kelly, you expressed a concern about the affordable parking program that I'd like to better understand. One of the things in our discussions that we realized is that the convention center doesn't participate in that program and so this budget amendment would also

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require them to participate alongside our other city structures in that affordable parking program. In our discussion that night I think the convention center staff members said one of the reasons for keeping the rates low is to be kind of a benefit to those in the service industry. We have a very concrete way of doing so and that's the affordable parking program and so having the convention center participate in that would be terrific. That I think -- those two measures I think are a better way of ensuring that the people the convention center wants to ensure have lower cost parking have it rather than just keeping the rates low for everybody, artificially low, I would say. The lowest in downtown I think was the answer that we got back from the q&a. So that's my proposal. I think it's a very reasonable one. And I'll just answer questions. But I do want to at some point get around to the points that you were raising and see if in this forum we can figure out what a path forward is for it. >> Mayor Adler: Manager,

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would you respond to this and then Ann and Mckenzie. >> Thank you, mayor and council member. Certainly the conversation around some of these fees have been proposed by staff and there's an

opportunity to do that within each budget cycle. Staff has certainly agreed to and are anticipating doing another market study regarding this -- this fee structure. So I'll turn to acm Gonzalez, but at this point in time we would certainly want to make sure that whatever we do we move forward with in terms of any changes to our fees is reflective of the market conditions and the ability for the operators to adjust as appropriate for their purposes. >> Thank you, city manager. First of all, we want to apologize for how those communications transpired with sales staff and individual trade shows. Our intent was to really gather due diligence specifically from the trade shows so we could inform council with information about those trade shows

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versus anecdotal information that we had previously. So lessons learned in ensuring that the communications are tight when we perform our due diligence. With regard to the parking garage, a concern here of course is the fees. We agree that the fees are always worthwhile for reviewing. We review those internally. We would like to propose hiring an external marketing consultant or -- not marketing consultant, but consultant who can do a market study for us on the parking garage, who can take into account all the considerations that council has brought forward, the location, the ancillary locations that Pitt from the parking garage, the rates, etcetera, to give us information that will guide us as to how best to increase the rates and what mechanisms are used. I know that there's been some questions about validation and director tatur can provide more information on that as needed. We do perform the validation as we all think of at the palmer events center. It works there.

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It's an attached parking garage. Operationally that's what we do. We don't do that level of validation at the convention center. Doing so would be a complete change in our operational model so even though we're talking about a policy decision here, the implications is that we would have to change how we operate in terms of validation. So to draw that distinction, we do that validation at palmer. I'm sure many of you have visited the palmer for many events where you are validated. However when it comes to validation that's not the mode of operation that we employ at the convention center for a variety of reasons. So that's a concern here is that we want more information to go into guiding us into how those fees are increased and at what level and at what times. So that way we can do the best job possible with collecting the highest avenues possible. And we also want to make sure that if we are going to be changing our fundamental validation procedures that we do that eyes wide open with the information in

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front of us. >> Kitchen: Mayor? >> Mayor Adler: Hang on one second just to let other people ask questions too. Ann and then Mckenzie. >> Kitchen: Okay. So really my question is for councilmember tovo. Councilmember tovo, I appreciate you bringing this forward and I'm inclined to support it. I think it's -- I think it's important. And I'm not quite understanding the reason for not moving forward but I'm a bit concerned that a market study might take quite a bit of time and be costly. So can you give me an understanding of why and then also I'm still not understanding -- still not understanding what the concerns are. I'm hearing councilmember tovo speak to addressing concerns and so can you -- can you please articulate better? Because it sounds to me like

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the affordable parking program would be something that would be really important to include for the convention center, and I'm also hearing that there's some mechanism and maybe it's not validation, but there's some mechanism to offer discounts for events. So are you all thinking there is no mechanism currently to offer discounts for events? >> Director tatur can best respond to that question, but with regard to the concerns, of course the fee increase that is being proposed from the way that we currently operate and the trade shows that we deal with, from what we understand, they would view that as a cost prohibitive increase to conduct their trade shows in Austin. >> Kitchen: I'm sorry, not to interrupt, but why? Are they paying those fees? >> Sure. And we can elaborate on that.

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Dican elaborate on that. And the question is if it's cost prohibitive do they not review their agreement with us and find a different convention center within the region or elsewhere, and those agreements include multi-year agreements so it's not losing a trade show for one season or one year, but the implications of potentially losing them for multiple years. >> Kitchen: That's what I need to understand. Don't we have some mechanisms -- don't we negotiate with trade shows on what they pay? Help me understand that better. >> Sure, council member. Thank you very much. So our park rates are in line with the standard of what the convention center parking rates are across the state and similarly across the country. When we negotiate on our customers we provide them with what the cost of service would be to host their events. So we charge a technical utility services. We charge for equipment, we charge for park. We purposefully keep all of those rates at or below the cost of service because our

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model is to bring in hotel occupancy tax. To maximize hotel occupancy tax. So we have a lot of educational conferences that are Texas based and a lot of those events happen in the summertime. And the reason why the validations work at the palmer events center is because it is a smaller venue like acm

Gonzalez said, the parking garage is connected to, and the majority of the customers who do the validating of parking, they roll that into -- they decide that they want to pay the parking for the attendees. So the validations are actually being billed back to the customer and the customer is paying for those parking fees. At the convention center we have looked and at and we do validations on a very small scale, so everybody is aware, approximately three percent of our overall parking tickets that we receive, approximately three percent of those are validation. So it is a very small process. We have customers at the

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convention center who choose to pay for their volunteer or their staff parking. We will do a validation because it is a small number of people and we can email those qr codes out directly. If you were asking us to all of a sudden alone this validation process to where every attendee who attends a process that parks in our garage would need to receive some sort of a qr code or some way to validate to get that discounted rate, the convention center isn't currently set up for that. That would require an extensive engagement with our parking equipment company to find out what validation machinery is available. It would take additional staff I believe and it would take some time to get this program up and off the ground. Additionally a majority of our attendees when you look at the total number of hours that they stay within the convention center is between four and five hours and that is because we have a variable rate parking structure, that is why we

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keep that rate comparable to what other convention centers across the country are charging in addition to downtown. We do have additional rates on Friday and Saturday nights that are higher to try to capitalize on that non-convention parking that comes in. So we have higher rates that we charge on the weekends. Additionally we allow that to happen until 11:00 A.M. So if there were patrons in downtown who needed to leave their car overnight and Uber home they would have the opportunity to get their vehicle. But the biggest problem staff is instituting a bulk validation process for the size and scope of the attendees and the conventions that we have. Additionally we have local events that we try to bring in on those weekends that are not ideal for when there's other things going on in downtown. And those are the prices that are discounted or that the ticket prices are typically less expensive.

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That would be our children shows, our sporting events and then our consumer shows as well. So the intent to reaching out to our customers as we are increasing or thinking about increasing our rates is to always engage with our customers and determine how that rate increase might inadvertently negatively

impact their show. So I hope that that helps answer your question. >> Kitchen: Yes. And I also had the question about the timeline and the cost of doing the parking study. >> Sure, the convention center hasn't done a parking study with an outside company before. It would take us some time to engage and get a team on board and do that study. I would expect probably nine months to a year in order to complete that process. Every year we do an analysis. Our parking team does an analysis of the parking rates in the downtown area as well as the convention center's across the country and we base our rates very

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much in line with what's happening in the market at the time. And we do -- we have adjusted our rates and we do look trying to do that about every two years. >> Kitchen: I'd like to hear from councilmember tovo. I'm not sure with proceeding the way she's talking about it because she's not requiring you to put a validation mechanism in place. The way I see what she's suggesting is leave some flexibility to how you would deal with your relationships with trade, trade shows. I don't see that on owe what's she's suggesting as prescriptive in that way. I would like to understand from councilmember tovo what she's thinking with regard to the concerns that you've raised. >> Tovo: I appreciate the question. Thank you for acknowledging that there are validations. I did in my last q&a, in the q&a for the last meeting asked that question and so we have a list of the

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validations. The means by which you make it possible for convention Goers to park at whatever rate you negotiate I would think is entirely up to you. If it's too expensive to put a validation machine in because the validations would be more, then have a sign up that says if you're going to the home and garden show parking is five dollars, show your ticket. Or be it on the honor system. But it would seem to me that if you have the lowest -- the q&a talked about having one of the lowest parking rates in the downtown area. That doesn't really preserve spots for your convention Goers necessarily because those could very easily be filled up by people not going to conventions. If you have people in the downtown area and I know people who park there when they go to Rainey street because it's one of the lowest parking places in the downtown area. If we want want to really do is protect the convention

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doers then I think there are ways to do that. And councilmember kitchen, thank you for the question. I'm sur that some creativity can figure out oh to allow that to happen. I don't think there is an insurmountable problem to protect pricing for convention Goers such that we're going to lose our ability and the convention center to get [indiscernible] In there. But in terms of day in and day out parking

rates, I think they should be commensurate with other downtown parking rates and closer to the cost of service because when you're not serving conventioners, we should be capturing closer to the cost of service. I also want to say the parking study, the consultant -- councilmember kitchen asked me to respond. I do want to -- that's fine. You asked about the management thing and I would

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just suggest -- I have a point on that but I'll be quiet for a bit. >> Kelly: Thank you, councilmember tovo and thank you, mayor, for recognizing me earlier. So I am concerned about potential unintended consequences of raising the rates of your parking garages, including the fact that private garages might see this as a signal that they could raise their rates and then we're in a rate war and I don't want that to happen. I'm not saying it will, but it's something that comes to mind. I'm also concerned about people in our music industry and service industry and I thank you for considering with your resolution about the affordable parking program, but when I mentioned the woman I met who works at the hotel next door and she was kicked out because her hours changed and she's no longer able to participate in the affordable parking program, I learned that our parking program here for example is only available between three P.M. And 5:00 A.M. For service industry

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workers. So I would hope that you would consider that as part of the development of the affordable parking program at the convention center, maybe an expansion on hours so that we don't have service industry workers who are unfairly burdened by paying for parking because their employers won't cover it. >> Mayor Adler: I had just handed out similar to the castleman-bull house, this is something that needs to be studied. My first impulse is to keep parking rates downtown so as to encourage people to find different ways to be downtown. And like at the same time there seem to be significant concern from staff so before I would authorize it I'm more comfortable asking for a study. So at least further information for us. I just feel like this is a big enough decision that we should be making it with more information and a greater opportunity to be able to vet it. So that's why I had proposed

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that analysis. Paige and then Pio. >> Ellis: Thank you, mayor. I could support this study. I know I asked a q&a in the budget cycle so I appreciate the thoughtful response that you were able to give back. I also would say that I hope that all of our departments are consulting with other big cities in Texas and their peers across the country to make sure we're in keeping because people will absolutely pick other cities in Texas, they would pick other peer cities that offer some of the same benefits that people want to come and visit Austin for. So I would imagine that the department is probably every budget cycle going

through and making sure that those rates are competitive and if you could raise them and bring in more money and people wouldn't go away, I'm sure you would have probably already thought about that. I'm not supportive of just raising them to raise them, but I hear that we want to make sure that we're getting the best value for our community space and our public parking garages. I could go for a study, but I could even go for just

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saying let's look at what staff's recommending for this parking fee. I don't want to spend a whole lot of time on this because I think we have other big topics to cover today for this meeting. >> Mayor Adler: Pio? >> Renteria: And I agree with Paige. We are losing a lot of the trade shows that we normally used to get here at the convention center. They're going out to cedar park, pflugerville, because they're all building facilities and huge size convention centers. And so their costs are a lot low. So we have to look at the big picture here. Are we going to lose business because just just going to collect a little bit more on fees for parking. Being a transit supporter, public transit supporter, I could see if we did have rail or some kind of park and ride type program here,

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it would be great to increase the fees, but until we have that I don't see the need for it. >> Mayor Adler: Anyone else? Yes, chito. >> Vela: I appreciate councilmember Renteria looking for revenue. I know that's an important effort. I know that staff did have a compromise proposal where they were raising rates and I was just wondering where we are on that. It seemed reasonable to me. I was just wondering if, councilmember tovo, as you thought about that response? >> Tovo: I don't know that I've seen that. I think was it for this or was it for the parking garage here? I think the compromise with the parking garage here was that we just accounted for lower revenue assumptions as we were using it in our budgeting. I'm not sure for staff. I will ask the manager if he

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would take a look at whether there is some increase that the -- at the convention center. I didn't see one, did you, council member? >> Vela: I'll double-check and if I find it I'll give it to you. >> Council member, we do have some opportunities to increase our rates. We have looked at that. We believe that we could make some incremental increases in the interim that would achieve what I believe that you're trying to reach here. I'm happy to share that with you whenever it's convenient. >> Tovo: Is it in some form that I've missed it? I apologize if it's in the -- >> I believe it's something that acm Gonzalez and I have had discussions about so we're happy to provide that to you if you'd like it. >> We certainly can. >> Mayor Adler: Alison. >> Alter: I would like you to provide that to all of us. I think we have a shared desire

to be making sure that we're charging the right amount for this city resource. I wanted to ask if you could

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please compile all the q&a from budget and different places to be in the backup for Thursday. It's getting a little bit hard to follow all of the pieces. I can't remember if in that q&a you did have data from other cities, convention center garages and what they were charging. I vaguely remember they were not lower than ours. So I would like that data if you have it even if it's two years old. You can share it now if you have it. And the last part I had is my understanding is we adopt a parking fee in budget so if we don't take action and I'm not advocating one way or the other, I'm still deciding, we still have a parking fee if we don't adopt some other ones. >> That's correct, mayor pro tem. We do have the parking analysis of the other convention centers around the country and we'll have that for you some time today. >> Alter: Thank you. Is there an opportunity to

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be more creative across the hours that you're doing it, insofar as the convention center timing tends to be one thing, then the evening, etcetera, tends to be another? Is that something that is a permanent mutation we could look at? >> That's correct. I believe in this last fee schedule that was just adopted by council we did adjust the hours so we are constantly evaluating the number of tickets based on the number of hours that people are staying, analyzing the number of hours and the rate that they're staying, what percentage of that do we believe are convention center attendees versus outside which is why we have that higher parking right at night and on the weekends. So we can share that with you. Part of the proposal was adjusting the hours some so that if you adjust the length of stay then it will adjust the rate increase incrementally, so we're happy to share that with the council. >> Alter: Thank you. I think the additional information being shared with all of us would be

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helpful. Thank you. >> Mayor Adler: Yes. >> Kelly: It occurred to me that I did not mention that I'm supportive of a study, but I had a question about that. How long do you intend for the study to be? >> Tovo: Thanks for the question. I actually -- that was one of the things that I said I wanted to get back to. I do not -- here's what I would suggest as a study. Our city parking folks have compiled -- they track this regularly. We have a city department that tracks regularly the prices for every parking garage in the downtown area. When I asked for that information they were able to provide it to me and I would ask that that information be the basis for the study rather than hire a consultant who will be done in nine months. I would ask our city staff who have this information to take a look at it as we did and come up

with a rate that makes sense. That was what -- that was how we came up with our proposal for this parking garage and you can do the same for the convention

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center. It shows -- you can look at what the adjacent ones are and see what makes sense. And then I think coupled with the kind of check back in in three months and see how it's going, I think that builds the level of protections that I would suggest are necessary. So council member, I guess in answer to your question, I wasn't proposing a study, I was proposing that we use the really extensive data that we already have about parking rates to make a decision about what those should be in this this sector of downtown and then check back in in three months and see whether there have been any dire things that have happened. >> Kelly: Thank you for talking me through that. >> Tovo: And that's [inaudible] And others in the transportation department who collect that data. So perhaps that's something that can happen even before Thursday. >> Mayor Adler: I would support you in having a quick turn back. The question is what happens in the interim period of

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time. You know, do we ask the staff to do the analysis so that we have a better feel for all the issues and have them relatively short time frame to come back so that the council then can consider all that information and then change the rates if the rates are going to be changed or do we change them first and then make that part of the study to analyze? And I think that's probably where we are right now. But if you wanted to do the former and have a quick durnaround back, but to maintain the rates, I would be comfortable doing something like that and would work with you on that. >> Tovo: Yeah, I'll give that some thought. I strongly would suggest that we not hire a consultant. I don't think that's money we need to be spending when we have that expertise that exists. And I think generally there are conversations a lot owe we've a whole downtown parking, Austin parking strategy that I think supports managing our parking system well, this is the downtown Austin alliance, but councilmember Renteria, this is within blocks of our red line and I

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think we should be encouraging folks that are coming downtown perhaps not for convention center but for local folks who are coming down for shows and for other reasons to use that transit and to use other forms of getting downtown. So I think this is very much in alignment. I think making sure that we're covering our costs for parking is in alignment not just with our fiscal prudence, but also in our stated policy of encouraging a 50/50 mode share. So thank you. And I would welcome that proposal and perhaps that will give us some information about which the better direction is in terms of moving

forward or waiting. >> Mayor Adler: Okay, thank you very much. And in the nature of still trying to advance [indiscernible] In our conversations or if we could focus them let's talk about license plate reader next. I pulled this item, but Mckenzie if you want to go first to kind of lay out, that would be great. >> Kelly: I can do that. And I wanted to thank you all for your feedback and

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suggestions and I want to thank the community for their suggestions and comments as well. I passed out and it's also posted on the hemmed the most updated version of the automated license plate reader resolution. And for those of you who don't have a red line yesterday, I can go through what some of those changes are. If we go to page 4 of 8, I added in the information on line 76 that says data sharing will only occur for investigating or prosecuterring criminal activity for and if a circumstance arises where the city is required by state or federal law to share the information at the time of a state or federal agency for another law enforcement purpose. And and will not grant direct access to the database but will supply the requested information for a specific case or investigation to the extent legally possible. If the city receives a request for information that is broader than a specific and will report that request to the office of police oversight, mayor and council, prior to sharing

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information. I believe that addresses our need for a sort of stopgap so that council is aware when data sharing occurs in case the program needs tore to be reevaluated or reassessed. On number six I added this. It wasn't talked about publicly, but on line 98 I was reviewing policies across the country. This one specifically is in Portland, Oregon, their policy on license plate readers. It says unless there's a criminal nexus officers will not use license plate reader data for the purpose of persons who are exercising their first amendment rights, including freedom of speech, assembly and exercise of religion such as attending political rallies, public demonstrations and religious gatherings. I felt when I read that it really spoke to our council as a whole and what we stand for. And that we didn't want to have those types of rights invalidated over this use of this technology. And then number 7 on line 104 came from concerns about

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mistakes with technology and a report that was recently made in the media regarding an individual who was pulled over with utilization of this technology, but the plate was incorrect. So I wanted to make sure that doesn't happen again and that there is accountability on officers to ensure that they are double-checking the plates even though they may get a hit, they need to visually verify that the plate matches what the hit was for. A license plate reader alert will not does not create reasonable suspicion to justify

a traffic stop or the detention of an individual before making a stop or detention the officer must first make a visual confirmation that the license late is the same as the license plate reader. And that it confirms with the Texas crime information center and Texas crime information center. So hopefully that addresses some concern some of you may have. Councilmember kitchen, I want to thank you for the amendments that you posted to the message board. I did put those in there and they are on lines 114 through 128. I will probably make one

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minor adjustment. Instead of the city of Austin security officer, I'm going to change that to the chief information security officer because the title was not properly written. 127. And then also the security officer designation with -- and councilmember kitchen might be able to speak to this. This is all just data base and security for our database to ensure that the license plate reader data is kept secure and I really do thank you for those suggestions. And then one other suggestion was in regards to the audits that happen during the automated license plate reader program that previously happened or previously had, they were done on a quarterly basis by the Austin police department and when I listen to you all, we really came to the conclusion I think that there needed to be someone else doing those audits. And it is outside of the office of police oversight's scope to be doing audits like this, so I was able to speak with our auditor who helped me draft some

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language, and corrie is here today for any questions about this, which is on line 135. So there will be audit oversight for this program if we were to have the resolution pass. And then I added also in the resolution that the suggestions on what would come out of the audit, my understanding is that some of you had requested prior audit data from the chief of police and so that should be given to you this week if it hasn't already. And then mayor Adler, your suggestion to do this as a pilot program I took into consideration and that is on line 155. So the program would automatically sunset at the end of fiscal year 2023 if we approve this unless we further extend it by council. I added four months prior to that that the city manager will come back to council with recommendations and give us time to evaluate the program to see if it really is going in the direction that the city wants it to. So that's just a real high

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level overview of the resolution and the changes that have been made in the last couple of weeks. So thank you very much, mayor, for letting me lay that out. >> Mayor Adler: And I appreciate this. Alison. >> Alter: I just had a quick request. Do you think that you could make a red line version available as well? >> Kelly: So there was a little confusion with legal on whether or not redlines could be posted

online. So they can email it to you. If that's possible. Or maybe you can talk to that. >> Alter: I think that might not be the accurate assessment that was offered. >> Alter: You can't email it to me without a quorum. >> Mayor Adler: They could post it to backup. >> Kelly: Okay. I'll get that figured out. Thanks. >> Mayor Adler: Staff can can post a red line in the backup and that would be helpful. Okay. Yes, Vanessa. >> Fuentes: Thank you.

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Thank you, councilmember Kelly, I really appreciate the effort, the extensive effort you had here and that you've accepted as part of your advised recommendation. I still remain deeply uncomfortable with the premise of adding a tool that would essentially have police surveillance that we know is demonstrated to disproportionately impact communities of color and as well as we're living in a world post row. And we have no idea what will happen. And as we decriminalized abortion here, we have no idea what can happen in the next few months and what that can mean for austinites traveling throughout our city and for Texans traveling throughout Austin. With that being said the question I had is you mentioned adding a role for the city auditor in looking at this audit, looking at the data and I'm curious, even though this might be outside of the scope of the office of police oversight,

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where they approached did you have a conversation with opo, was this something they would be interested in taking or his designee if someone with the office is here to speak to that, that would be helpful. I'm just trying to get a little more insight as to why there isn't a role for the office of police oversight. >> Kelly: So a lot of the research that I did and the information came from the police chief himself. I don't know if he's available to answer or if assistant chief could answer why this would be better done through the auditor's office versus the office of police oversight. Just so that you can understand better. >> Are you guys able to hear me? >> Mayor Adler: Yes, we can, thank you. >> You know, I think that the all the erer's office -- auditor's office is best able to do that. Any discrepancies with the data, whether those complaints come internally or externally or as a result

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of the audit would be an internal affairs investigation, which would include the office of police oversight's participation in that investigation, but the audit itself, whether it's quarterly or annually, is best suited to be done by that auditor. >> Kelly: And then -- >> Mayor Adler: Hang on one second. >> Kelly: Sorry. Could you build on that a little bit and talk about how the office of police oversight's role would be in this process? >> Thank you, council member. Ray Arrellano, assistant city manager. Just to build on what the assistant chief was saying essentially, office of police oversight is really focused on

handling and monitoring complaints. So just generally speaking from an audit perspective we would want either a separate party or the city auditor to actually do an audit. >> If there is a complaint that perhaps, you know, someone feels that information was improperly

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shared with Eric or any other -- Aric or any other entity had access to that data, are we waiting until the quarterly audit report until somebody comes and looks at it? What would be the process then? >> If there's any the city that has an interest concern or a complaint, then that should be lodged with the office of police oversight. And they would be investigated at that time. What we're talking about now is looking at information over the past whatever that we're interested in, quarterly or whatever, and taking a look at that information to determine whether the audits were conducted properly, access to the database was conducted properly and so forth. If there's a concern at any time at any particular use of an lpr data, that can be submitted to the office of police oversight at that moment. >> Gotcha. So there's still a role for opo within this, but it could be on a case by case basis, but

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procedurally, it would be the auditor's office who would be doing the monitoring of the data. >> That's correct. >> Fuentes: Okay. >> Kelly: I've written in several places in this resolution where information is shared with the office of police oversight and the public safety committee, and our council as a whole. So, I just want to make that clear that's included. >> Mayor Adler: Council member pool and council member kitchen. >> Pool: Thanks for these additional edits and amendments to the lpr. I think with each additional iteration, this gets to be a stronger and stronger resolution, and I thank you for that. I also want to say that knitting together our auditor functions with the office of police oversight is a really -- that's a really positive and strong connection, because of the ethical considerations and requirements for the profession specific to our office of auditor. I think that is a really

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creative and helpful amendment, and I see that our city auditor is with us, and she has a copy of this resolution. And I asked her through hand signals if she would be able to come up and kind of speak to this, which is clearly why she's here. So, if it's okay, I'd like to have her respond or talk about this a bit. >> Sure. I did want to make one clarification, because I think in the prior version of the program, there were quarterly audits, quarterly audits, and then I think we talked about annual audits. My preference for my office and what's reflected here in the current language is that we do a kind of wait until the end of the pilot program and do a review of how things are working. We've done that with body cameras. We've done that with other programs outside of the police department. And we've done that with the

new program is implemented, and we come in and look at how well it's working. So my preference is to do that more as a one-time at the conclusion of the pilot, and get

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that report back to you guys versus us being responsible for that kind of ongoing work. So the ongoing work can be done by APD. Could be done by another entity. But I think the -- it's helpful to implement this kind of thing and have us come in and say, okay, you know, all of these things were specified initially, how are we those playing out? Are they being followed? What improvements need to be made, or what can we do to kind of keep this as tight as possible given the sensitivity of this data. So, that's kind of what I believe was reflected here, as council member Kelly and I discussed it. It's really talking about a one-time audit, which we would do after the pilot. >> Mayor Adler: Okay. Council member kitchen. Thank you. >> Kitchen: I want to speak to the oversight from sort of a broader level. I think it's important to think about this from -- because the level of oversight and the points at which oversight occurs

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is very important for this. So, there's a couple of things. There's daily oversight built into this, daily oversight from a data security perspective. That is some of the data security items that council member referred to earlier. It's designation of a security officer with responsibility for the following. Receiving daily alerts on attempts to log in, limiting access to the license plate database for only permissible use, and regular monitoring access to data stored under this provision. This section is designed to use best practices on monitoring data storage. Best practice on data storage is immediate alerts, and daily review of access to a database. So I think that's important to remember. That's a security provision

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that's built in. The second thing to remember is the -- and that's individual oversight on access to the data storage on, you know, on that basis. The other kind of oversight is to look at is the programmatic oversight, which is what the city auditor is talking about. And so that's important to understand also. As she described it. And then the other thing is the role of the opo. And the role of the opo is three roles, three points of contact and oversight written into this, and the first is an upfront role. And that involves consultation participation and having a say in the -- in developing the policy and the procedures. That's really important. About what the policies and procedures are actually going to require, and the opo is part of that. The opo is also involved in reviewing the results of the programmatic review, because

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there's language in here about sharing that with the office of police oversight. And though they're not conducting the review, the city auditor would be, they would have responsibility for reviewing those results. And then finally, we already talked about this, but very important for the opo is their role in investigating and managing any complaints as was discussed also. So I just wanted the point out, there are multiple redundant mechanisms for reviewing the appropriate and proper use of the database, and the opo is integral to that as is data security and the city auditor. >> Mayor Adler: First I want to

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thank you for your work and leadership on this item and working so hard to try and find a compromise or a workable solution where it could move forward. Not an easy thing to do on something that began with, you know, as much controversy as this one did. Colleagues, in those discussions, I think these -- I'm going to read through a list of what I think are the decision points for us to make, these issues that have been raised as ones that need to be resolved. The first one concerns the actual data itself. As we've heard, a lot of this data is commercially available. So it's already -- there are thousands of cameras around in the city, and different law enforcement agencies already have access to that commercially available data. In talking to the chief, it was apparent in those conversations, and we can ask the chief here,

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that the bulk of what our law enforcement needs and could use is probably -- that's also captured in a commercially available data. But that would be then data that we don't accumulate ourselves and we don't cite additional data. My understanding talking to the chief and we want confirmation of this is that if it's a commercially available data, it's not data that we own, so it's not data that we can turn over. And if the federal government or I.C.E. Or the state wanted to have that data, they would get it from the commercially available data provider, because that's the person that owns and has that data. Since it's not our data, it's not data that we can share with other people through the local law enforcement agency agreements and the like that is not our data to do that. That would help, I think, as I understand it with most of the data issues, but not all of them. Because the cameras are not trained well on like I-35 in a

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way that could best be used, so there was some interest in having at least some cameras, which would be fixed on I-35 and we would know exactly where they were, and what parts of town they were looking at, because it would be I-35, and that data could be accumulated as well as giving some number of cameras, probably a small number that the chief could strategically deploy with respect to a specific crime or a specific investigation, which cameras would be, you know, logged in and logged out. So it would be easier to create an audit trail for how they were used for that limited use. That's one question, whose data, which relates to the number of cameras. Next issue is which crimes can be investigated. We've seen different lists of

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crimes and one possible resolution that we have some people just say felonies. We have other people that say it needs to be broader than that, and we've seen lists. There was some discussion of making it felonies and class a misdemeanors as one possible middle ground. Class a misdemeanors would includes burglary of properties and assaults. Third issue that I think was raised in the conversation was the retention of data, how long would the data be retained. As you know, the original proposal was a year. Council member Kelly took it down to 30 days in the proposal. We know that one of our colleagues, council member vela was suggesting three minutes. There was some discussion about three minutes being a valid tool for certain kinds of investigations, but not kinds of other investigations.

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In pressing that time limit, the other information I would share is the halo cameras are available right now in the city, and they're on the seven-day retention period. So one possible thing to consider would be seven days, as is the halo camera situation. But anyhow, the retention of data becomes an issue that needs to be decided. The question of whether the program sunsets at the end of the year, obviously some of our city staff would much rather have it be reviewed in a year as opposed to sunseted in a year. But that difference was something that was an issue. Audit considerations, as we just discussed, who does that, how do we do that. And what are they asking for. We have materials here. I think there was also section 7 of council member vela's

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substitute motion. People wanted to look at that. Individual verification prior to action is something that you've incorporated into your base motion, but that was an additional issue. Suspend the data collection if it's requested by the state agencies or I.C.E. Or by ag's office or the feds. May be addressed in partial matter, if it's not data that we're relying on commercially available data, but still exists with any data that may be accruing. And then the policy and general order changes. If that hasn't been posted, we

need to make sure that the old policies are posted into backup if they haven't already, so that the community and the council can see those. Obviously, they're being revised right now. But I think it would be helpful

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if we could all see what the old policies were. They actually probably track a lot of the issues that we have discussed but certainly not all of them and not everything on the list that I just read through. So, I just wanted to share that kind of list, in essence, the subgroup to identify issues that formed up for everybody. Chito, and then Leslie. >> Vela: The question for the police department, the -- we've requested the prior audits for the apr program when it was -- and we haven't received those yet. Do you know what the status of the audits are? Or for acm? >> I saw that they were being gathered this morning. We'll have them to you shortly. >> Vela: Okay. And on the same line of thinking, I believe they're

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supposed to be audits of the halo program and what it is being used for. I can't remember the details off the top of my head, but I believe them like an annual report and review. Could you get those as well? >> I'd be happy to get that information. >> Vela: I think using the auditor for the audits, I think that's a very good step and I support that. In talking with my proposal, my amendment was felonies and above in talking with the police chief. He pointed out quite correctly so that the class As include assaults, include family violence cases, include violation of protective orders, and a handful of other relatively serious crimes where he would like to -- the police department would like to have the ability to use alprs in

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those situations. So I would be open to including class a's and above in the spectrum of crimes that we are allowing the Austin police department to use alprs for. However, I would like to limit it to class a and above and not include any of the class Bs or criminal class Cs. I know that by designating the criminal -- limiting it to criminal, that should in and of itself exclude a lot of the tickets because they should be considered civil matters. But but regardless to add a limit more limitation and I would like to limit it to class a and above. I know there are a lot of issues and concerns with alprs. I'm not going to say just no, but the data retention is a hard

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line that I do not want to cross. I'm comfortable using alprs to find stolen vehicles to find people that are missing, that are kidnapping suspects when you have a lot of parental situations where one parent takes a child, amber alerts, those kinds of alerts. I'm comfortable with using them to find folks with active felony warrants, potentially class a warrants. But I am not comfortable with using alprs to track the whereabouts of people as they go on about their business in Austin. I believe that is a violation of the fourth amendment. I think when you store all that data and search it, I think that is a search under the U.S. Constitution, I think you need a warrant to be able to make that type of search.

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If it is a 30-day period of retention, I just cannot support that level of data retention. Again, keeping it to using alprs for strictly hot list situation, we cannot abuse data that we do not collect. And if we're not collecting data over the last 30 days, then we don't have to worry about people, you know, using -- misusing the data, you know, searching for the where abouts of girlfriends or, you know, anything like that. >> Mayor Adler: Okay. Leslie. >> Pool: The example that you just gave, chito, on searching for girlfriends, would that be something that would fall within the guardrails that are being written into this?

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>> Vela: Conceptually, that if the police are looking for license plate, ABC 1-2-3, they should be able to put that into their apr system, and if it hits, then it can go after that vehicle, or use it as reasonable suspicion to investigate what's going on with that. So, any kind of kidnapping, any kind of abduction, any kind of missing persons report, whether it be an elderly or whatever the situation, the police should be able to use that and find the information. What I don't support is kind of putting in ABC 123, let's see where they've been for the last 30 days. That's exactly what we're doing. >> Mayor Adler: Hang on, hang on. >> Vela: That's exactly what we're doing. And really, the suggestion that we're not doing it -- we're collecting the data. Whether we search for it or not is a totally separate question. I mean, to kind of collect all the data, put it in a database, and then say, oh, but we're not actually doing a search. You're not doing a search until

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you want to do a search. The data is there, and let's not pretend that it's not there. >> Pool: Okay. But I think that -- >> Mayor Adler: Hang on. >> Pool: I think that there would have to be some indication that there was a crime being investigated in order to do a search for -- it just struck me that the example that

you were using was one that was unofficial. And I think that we all would hope that no searching of the database would be extrajudicial, and you yourself are hoping that it wouldn't be. So I think that that is one of the reasons why this is being so tightly framed. But that shouldn't be lapping anyway, whether we have alprs or anything that, you know, our officers should not be misusing any data that we have or their responsibilities or their status as officers. To do something that's extra

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judicial. And, in fact, we have rules and laws that come in not only to prevent that, but to prosecute people if they're found -- if there's evidence found that that's happened. Okay. So that wasn't really what I wanted to ask about. My question was actually on the first -- but that concerned me enough, because it struck me as a little bit -- yeah. So I think you all understand where I'm coming from on that. Mayor, you mentioned in your first bullet of items that you wanted to -- of questions that needed to be answered was the actual data. It's already commercially available. We know that we are constantly being picked up for our activities on the streets with the various security cameras that private companies and people have that capture us walking by, or altercations that happen on a sidewalk, and then, of course, there's the fact that

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everybody has their personal cell phone devices, and they take pictures of all kinds of things at all times. So there's a question of whether it's appropriate for government to be doing that. I think we're clear on that concept. But I think we're concerned that if we are out of an abundance of caution not having our own program where we guard our data, but instead, it sounded like there was some interest in possibly accessing commercially available data that's out there. I would be concerned with how accurate that data might be, whether it was actually something that could be offered as evidence in a court of law with chain of custody issues surrounding it, and how much it would cost. So I'm not sure that the exit ramp on the actual data going to get that information from a commercially available business that is out there doing that is a hopeful one for the city of Austin. I would much rather have

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complete control over what we are capturing and how long we retain it and eliminating it and erasing over a period of time, whether it's 30 days, seven days, three minutes strikes me as unworkable. But I wanted to raise that to see if that was a consideration that you had -- >> Mayor Adler: It was just an issue and a suggestion is one way to look at it. Assistant chief, can you speak to that question about commercially available data and whether it makes sense? >> Pool: The viability and the accuracy. >> Mayor Adler: For APD to primarily rely on that? >> The first question you had, Mr. Mayor, was who owns

that commercial data, and you were correct in your speculation that commercial data that we would have access to would not be subject to any other state, local, or federal law enforcement agency inquiries because it's not our data. It's not something that we would

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be able to share. But the answer to council member pool's question is, is program that we are trying to move forward with gives us the ability to have access to the commercial data in a handful of our own cameras, the commercial data we would get is going to be a finite amount of areas. Most of them are going to be local to a specific place, and we wouldn't have the ability to move those cameras around and get more information that would help us in our criminal investigations. >> Mayor Adler: Is the commercially available data, data that's reliable? Is it data that you can use? >> So, all the data that is to be verified. That point came up also that it has to be verified by the officer before any action is taken. That was actually in our previous policy. And the reason is because technology does sometimes, you

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know, mistake an M or an N, if there's mud on the license plate, or if it's dark outside. So we have to have an individual person verify that the alert that we have or the car that we're looking for is, in fact, the right license plate, and that there is still a current need to take action or investigate that particular vehicle. So while it's in the old policy, it's going to be in the new policy, and I notice it was in the resolution as well. So, the data that comes from the commercially available cameras are only going to be as good as those cameras are, but they're going to be independently verified by us before any action is taken. >> Mayor Adler: So let me ask that question a little bit differently, and then I'll pass it on, because there's several people raising their hand now. With respect to the commercially viable data. I understand that the department was initially recommending a greater number of cameras that would be individually directed together data, and greater amounts of data. And that that data be held for a

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longer period of time. And I understand that if the only concern was a tool to investigate wrong doing, that would be the least restrictive way and the broadest net. I understand that. My question is, if we're also trying to weigh in the potential for abuse or of controls or trust issues or whatever else, if we were not going to do that, is it a viable alternative to primarily rely on commercially available data with a handful of also cameras that would be -- able to be strategically deployed, or is that something that because of reliability issues or otherwise, just is not a viable alternative or option that the council should

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consider? >> It would give you an extra tool in your tool belt, but it would reduce your information by about half. So there would be criminal investigations, whether they be a class a misdemeanor or a felony, could be a murder or a sexual assault that you might not solve because you didn't have those extra information gathering tools. Those extra cameras out there. So, you know, if you're asking if commercial data is better than nothing, then the answer is yes. But what we are asking for in order to do justice for the victims in our community is to reinstate the program as it existed before minus the 365-day retention to go to 30 days. >> Mayor Adler: Okay. Thank you. Colleagues, I think there were some other people that had raised hands. Allison, you haven't had a chance yet. >> Alter: Thank you. I just wanted to clarify on that exchange. So, what we'd be doing is the commercial plus how many cameras -- I don't remember how many we were doing before. It was like 15.

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I don't remember how many. >> Yeah, I think 21 is the number that sticks out to me. I have to get an exact number for you. But regardless of how many we decided to move forward with, with our deployment strategy, it would be a mix of fixed cameras, some stationary cameras we could deploy in various areas, and then mobile cameras that would be mounted to the patrol cars. >> Alter: Thank you. Mayor, are you suggesting that they would only do commercial? Because then they wouldn't be able to have control over where they placed anything. >> Mayor Adler: I wasn't making a suggestion, but I was just kind of identifying issues that were discussed. One discussion was just saying use the commercial data that's available, then we're never in a position of having to turn anything over. I think the more frequent discussion was about relying primarily on the commercially available data. But also having a certain other number of cameras that can be strategically deployed. And the conversation with the chief, he said that he would

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like to have at least some cameras, a couple cameras, or otherwise they could be deployed on I-35 and could be affixed to be able to look at I-35 traffic. And then he would also like to have several cameras that could be mobilely deployed or deployed in other locations that he could strategically use that would in essence be kind of logged in, logged out kind of thing to have real clear audit trail on use, but it would enable him to have that additional component, albeit not at the numbers that he was originally proposing. >> Alter: Okay, thank you. I just wanted to raise a flag for your comment, chito, about changing it to a certain number of crimes. There's some loopholes in the law with respect to scooters that mean it's not a crime to do

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certain things. It's problematic, because you would still want to be able to identify the person for a civil liability suit. And so I'm not sure -- and you could need a license plate in those situations if you had it. It could be a fairly dramatic impact to the person, if it was short of death that would not be covered, particularly if it was a minor that was hit. And I can't tell you all of the details of it. But I know that there are some real challenges with the scooters and our ability to enforce things. So I would be a little hesitant on some of those changes until we get that figured out. >> Mayor Adler: Yes, Mackenzie. >> Kelly: Thank you for bringing that up. I was particularly concerned about if we limited it, hate crimes not being involved as well, because I know that that's

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something that you were very passionate about, and I know that that's important. So I just want to flag that as a consideration. Assistant chief Greenwalt, could you help the council understand or walk us through how an officer accesses the data for the system, because I'm not sure that we're all aware of what that looks like from the perspective of an officer sitting down in front of the technology, and then logging in to use it, and that sort of thing. And then could you talk about the audit trail that's created when the officer does that as well, please? >> Absolutely. So a detective or officer who has access to the system would get to it through the internet and a log-on system from their desktop computer in the office. And every time they log on and every key stroke they take is audited and kept so that we can find out, you know, if we need to, what they were doing, when they did it, who logged on, and what searches they conducted. So, if an officer,

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hypothetically speaking, is trying to verify if a suspect vehicle was at the scene of a crime or corroborate the alibi that they were nowhere near the scene of the crime, and that in fact their car was somewhere else, to help exonerate them, they would simply log in the license plate. It requires a case number in order to get the results. And then they could conduct that query to find out whether or not that vehicle was scanned in or around the location and at the time that the crime occurred. And the audit logs are kept in perpetuity, so that quarterly our risk management unit will go through and conduct queries to make sure that everybody is using a verified case number that's connected to a criminal investigation. Those would also be available at the end of the year for the city auditor's office to do the same thing. >> Kelly: Thank you very much for explaining that. I really like what you said about how officers could log in to the system to corroborate that you were not at the scene of a crime, which to me lends me

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to believe that having that data retention of at least 30 days is helpful, because I would, as someone who wouldn't commit a crime, I would want to have that data available for backup so that I would not be charged with a crime. But that aside, the other point that I wanted to say, council member vela, I know you mentioned the expectation of privacy, but throughout my research on this, there are at least two -- well, one that I definitely know of. I heard there was another. But the supreme court has ruled that you have no reasonable expectation of privacy on a public roadway. And that aside, what I really like about license plate reader data is that it only captures the license plate make and model of the vehicle. It doesn't capture the picture of who's in it. And I see it as a tool to help multiply the ability of our officers to solve crimes in a timely manner, especially when the police force is so short staffed right now. That's all I have. Thank you. >> Mayor Adler: Okay. Council member harper-madison.

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>> Harper-madison: Thank you, mayor. I appreciate this conversation. It's something that's been a big point of concern for people in the community. So I'm having to tell them essentially like where I stand on the item, which I think it's categorically wrong for us to enable surveillance networks that track and store the movements of all cars without a warrant in the city for any significant length of time. So I really appreciate the conversation and the variables with how long people think is appropriate. Even that tells me, though, that it's a matter of discretion, and just kind of frightens me. In my mind's eye, I think search under certain conditions is acceptable, but surveillance just is not. The conditions for searching that I can support are a three-minute limit of data storage, restricting searches to a limited set of crimes or emergencies, and not allowing any other entities access to the

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data that we collect. I think anything beyond that is flat-out surveillance, which I think really does violate the privacy of our residents who don't -- who haven't done anything illegal. I think it would also enable law enforcement -- well, enable the enforcement, rather, of laws that run against our adopted policies concerning abortion and immigration, and those are deep concerns that I have. I'm also, you know, very concerned that surveillance could easily be applied in a discriminatory fashion. And, you know, that leaves us relying on individual officers to moderate the potential abuses in technology, because we are all human, regardless of the job that we do. It means we're all fallible. And leaving any real degree of surveillance related discretion to people concerns me.

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>> Mayor Adler: Colleagues, I've been asked to the post to the message board the list of issues that I just read through and my office will do that so that it's posted for people to see. Continuing the conversation. Ann. >> Kitchen: I want to say a couple of things. I think we all are concerned about the same things here. I think what we're trying to determine is the level of risk we think is appropriate. And I would just ask us all to try to be specific about the things that we're concerned about, and then specific about how this raises that risk and doesn't raise that risk. I'm very concerned about us repeating the fears that people are bringing to us without being specific about the degree to which they can and can't happen. I think we're using words that are just -- and I respect everybody's concerns, because we all have the same fears, but I would just really ask us all,

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instead of repeating those fears, let's talk specifically about the degree to which they can occur. There are risks here. That's what we're talking about. And I think the risk -- I think council member vela said it best when he said that the risk is when you have data, the risk is that someone might access it for a purpose that is not authorized. That is the risk we're talking about. That is very different than surveillance of people all over the city because that is not what this is doing. That is also very different than some of the other kinds of things that we've talked about. So I want to stay focused on what we're really trying to decide here. And what we're trying to decide is the level of risk that each of us feels comfortable -- or not even comfortable, but each of us are balancing, because that's what we're balancing. We're balancing the level of risk, of misuse, with the value

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that can be added in addressing certain crimes. So, there is risk that data will be inappropriately addressed. So then the question is how do you reduce that risk with review and audit, and with certain data security and other tools. So I'm really just pleading with my colleagues to, please, let's stay focused. So my question is, when I'm looking at the balance, because I agree, there always is a risk, but when I'm looking at the balance, I'm wanting to understand what it takes to -- from the police perspective, to address a kidnapping, for example, or an assault. But I'm most concerned about a kidnapping or an assault or something like that. So I'm focused in on that question about how long do you retain the data for, because I think that's really the question. That gets back to what council member vela said, is we have

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data that's a risk of accessing it. So what can you do? I would like the officer to please help me understand. So from a -- could you please speak to -- we've got on the table three minutes versus 30

days. And there's been some suggestions in between. Could you please help me understand what's an appropriate level between those or appropriate time period between those to be able to really reach those kinds of crimes that I talked about? >> Absolutely. So, if you have a three-minute retention, all you're going to be using the system for is immediate realtime alerts, vehicles that happen to be scanned by the cameras that are already listed into a database that they're wanted for some reason or another, whether the car's stolen or it's connected to an amber alert, or missing and endangered person. But the bottom line is you have to have known ahead of time that

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that car was being looked for for some reason or another. The reason that historical data is so important is specific to the types of crimes that you mentioned. Hypothetically speaking, if we had a kidnapping of a person or a child and witnesses were able to give us the license plate that was responsible for that crime, oftentimes, criminals don't register their vehicles, and they may not be parked where the vehicle registration on the back is. So although we can run the license plate to see who the registered owner is, chances are the kidnapping suspect who has that person that they kidnapped won't be at the address where the vehicle is registered to. But if our patrol vehicle happened to drive by that vehicle a week previous, we will very quickly be able to find out a possible location where the suspect vehicle might be and we can go to that address and check on the status of the victim and hopefully recover them safely.

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Every day that you add to retention increases the opportunity for us to gather valuable data. That's why 365 days was used during the first iteration of this program and that's why we advocate for 30 days instead of three minutes at this time. It doesn't matter if you're talking about kidnapping or murder suspect where you're trying to find the suspect and recover the fun or important evidence to help secure a conviction. The historical data that we have is going to lead us to location, suspects, victims, and evidence more quickly and longer that we have that data, it's important for us to be able to have that. Does that help? >> Kitchen: Yes. Thank you. And I have another question related to surveillance. I don't support surveillance and I don't think any of us support surveillance. But I want to understand how much of the city are we talking about when we talk about these cameras? >> It's going to boil down to

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wherever our patrol cars happen to be. And it is sort of a random assortment of places. We're not going to specifically deploy the cameras unless we have a specific crime that we're trying to address. For example, the rock thrower investigation that happened several years ago or the. Boogie that happened. You know, there are specific things that happen where we might put them in locations to help solve that

crime. But one important distinction I want to make, and this might help people understand difference between surveillance and responding to crime, is that the lpr system is reactive in nature. We don't deploy it to go look for new crimes or to pick on any particular neighborhoods. We use the lpr system and the information in it to help solve crimes that are already reported to us. So we're going to follow that trail, so to speak, of incidents that have been reported to the Austin police department that help solve those crimes. So we're not surveilling to go out and gather new information, so to speak.

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We are investigating crimes that have already been reported to us. >> Kitchen: Help me understand. Is what you mean by that how you recover the data; is that what you mean? Or how you capture the data? >> How we recover the data. >> Kitchen: The case number? >> So the data is going to be captured and stored in the database that nobody will look at until we need it for a criminal investigation. So the data is in the database. Nobody at APD is looking at it until we have a need to go look at it for purposes of investigating something. Whether it's a murder or sexual assault or something that is lower priority, like a stolen vehicle. We have to have a reason to actually go look at the data. So it's not going to necessarily disproportionately affect anybody other than help the victims of those crimes that are reported to us. >> Kitchen: I'm sorry.

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This will be my last question. Others may have questions. But how do you determine where to put the cameras? I think we should understand that. And I understand that you're talking about fixed cameras versus cameras that move around. So, what's the controls on where the cameras -- what's the parameters, and who decides on where the cameras are deployed? >> Good question. So the cameras that are on vehicles are going to be randomly deployed in nature, wherever that particular vehicle goes that day, wherever that patrol vehicle goes that day. So there's not going to be a lot of preplanning involved in that. The trailers that go out and deploy in specific areas are going to be in regards to some kind of a trend that's reported to us that we feel like might be useful to have an lpr deployed. Examples I can think of off the top of my head, I know we used it in the bombing to put in a specific area where we felt like there might be some information gained to help identify who was

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responsible for that. I know we deployed it in the rock-throwing incident to help recover vehicle license plates that were up and down I-35. I know that in I think it was 2019, maybe 2018, there was a serial shooter, a road rage incident that was happening, and we knew the basic thoroughfare that the suspect was taking back and forth between the locations where he was shooting at vehicles, so we deployed it

on that road so that we could capture data on that specific road. But we're not going to just put it in a neighborhood for the sake of gathering data just in case. Those are deployed after a crime has already been identified. >> Kitchen: Council member Kelly, perhaps -- we have been totally silent in this resolution about where cameras are deployed. But it strikes me that that is one piece of the protections,

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and -- or maybe it's in there and I just haven't noticed it. But I think that parameters around the decision-making on where they're deployed so that it's -- you know, I hear what you're saying is the policy and the practice. And perhaps that's where this is written, and that's promote. But perhaps we should make sure that we've written that down. Does that make sense, council member Kelly? >> Kelly: It does, and I appreciate you thinking about that as a consideration. I would like to point you to line 98 on page 5 or 8. I talk about -- and this is new to the resolution I was going through quickly earlier. It says unless there's a criminal nexus, officers will not use license plate reader for purpose of investigating persons who are exercising their first amendment right, including freedom of speech, assembly, and exercise of religion, such as attending political rallies, public demonstrations and religious gatherings. >> Kitchen: We might be able to add language that makes it specific that the deployment of

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the cameras, as the officer just said, is related to a criminal nexus. I'm not sure what the wording would be. >> Kelly: I would look forward to seeing a motion sheet on that on Thursday. >> Mayor Adler: Any further discussion on license plate readers? Council member harper-madison. >> Harper-madison: Thank you, mayor. I appreciate it. My comment is directed at council member kitchen. It might be, you know, just coincidence that you said your comments about staying focused after I spoke. In case I won't take it personally. I will say that it does somehow minimize the concerns that we've received from the community and removes the possibility that I agree with their concerns. So I don't think there's any distinct lack of focus in what it is that I presented. And I appreciate that in addition to expressing my concerns that we need to figure out what are the risks, and then

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do the substantial cost-benefit analysis that's appropriate. But I just had to say something because the implications there were that I somehow lacked focus because I share the concerns of my constituents, and that's certainly not the case. I additionally want the information that you seek as well. Both get to be true in this setting. I think work sessions are intended for us to express ourselves, both questions and statements and express concerns. So, nothing I said was inappropriate. >> Kitchen: Council member, I never -- I was not -- I apologize if it sounded to you like that was directed at you. It was coincidence. The

order in which I was speaking. And I certainly was not directing that at you. And I'm sorry and I hope you wouldn't take it personally. I think every one of us, including myself, are reflecting the concerns of our constituents, and every one of us, including myself agree with the concerns of our constituents. So, I'm sorry it appeared that way to you. I did not use your name. It was a coincidence in the order in which I was called

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upon. >> Mayor Adler: Okay, thank you. >> Harper-madison: You did not, but you admonished your colleagues. You did do that. You said we need to stay focused. You encouraged us to stay focused. So maybe it wasn't just me, it's us as a body, but I don't think expressing concerns is any indication. >> Mayor Adler: My suggestion is going to be we move on here. I want colleagues to know that the list now has been posted in the message board. As an addition to the post following in the same stream as the post that you made this morning with the most recent version. That's where it can be found. Vanessa. >> Fuentes: Are we still going to talk about this topic later this afternoon? Because I still have a few questions, and I want to ask council member vela -- you know, your intention with the amendment that you plan to bring forward. >> Mayor Adler: My thought was, let's stick with this long enough, because we're getting toward the end. So we can finish this. Then we'll go and take a lunch break, do executive session, and then come back out and talk

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potentially the petition. Council member vela. >> Vela: The supreme court in a relative similar case -- again, it's not exactly on point, but there was a case where a police department was putting a tracker on a vehicle without a warrant. They would basically stick a little magnet with a tracker on the vehicle and track it as it drove around the city as part of an investigation, and the question was whether that was constitutional, whether they needed to get a warrant for that or not. And the supreme court said they did need a warrant. That yes, even throe the vehicle was on public roadways the entire time, even though that any citizen could see that car passing by, even though that was public data, that the sum total of the data collected by the police department in that case

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did rise to the level of a search that required a warrant. I don't see how that's functionally distinguishable from an apr program that is capturing a vast amount of data of vehicles driving around the city and storing it, then only to be searched later as needed for, you know, whatever a case may be. I don't want to minimize the very serious constitutional concerns that come up with regard to the collection of the whereabouts of presumptively innocent people as they go about the city. Let's talk

about the same issue with regard to face recognition technology. Let's talk about the same issue with regard to data apps on phones right now. It might be your weather app that is keeping track of you and your phone, and then that data is purchased by a police department. So I just want to be careful

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about how -- there's no question that the more information that the police have the more they can arrest and bring people to justice. But there's always that balance between liberty and security. And as a constitutional matter, you've got to have a warrant to engage in a search. And to me, this crosses the line. When you are retaining data of people only to go back as needed and filter through it to find out where they have been, to clear them or a crime or to not, those are searches under the fourth amendment that should require a warrant. If we want to avoid those issues, then we limit it to the hot list. Then we just say, okay, this car, with this license plate was just reported having done a driveby shooting. Boom. Enter that information at the apr, as soon as we get a hit, then the police know where that vehicle is, they can go out and

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find it. Someone's been charged with a very serious crime. What is their vehicle? That's the license plate on the vehicle entered into the apr system, and then we should be able to find that person. But I just don't want to minimize the very serious constitutional concerns that arise with the widespread use of apr technology. And especially it's saving the data that the license plate readers collect. >> Mayor Adler: Allison? >> Fuentes: Council member vela, I just wanted to kind of talk about the amendment -- you still plan to offer an amendment, correct? >> Vela: I do, and I think this is a good version, and what I'll probably do, I'm trying to figure that out right now, but is coming back with an amendment to this -- to council member Kelly's version 2. The vast majority of it, things

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that jump out at me is the data retention timeframe. And then the scope of where we use the apr. >> Fuentes: Are you thinking about using it, because your amendment has a three-minute data retention time period. >> Vela: It does, and that's based on New Hampshire. They have a three-minute data retention. And again, the idea is just to use it for hot list. For stolen vehicles that have already been reported stolen, for active warrants, not to use it as a data collection and investigation device, but more to use it as a kind of emergency identification device. >> Fuentes: Thank you. I'm with you on the risk of unlawful searches. I think this item as proposed could potentially be a violation of our fourth amendment rights, as you have mentioned. And that's not a risk that I'm willing to bear. And especially knowing from the information that aclu provided us that states that APD as well

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as Travis county sheriff's department back in 2018 shared information with I.C.E. That there are significant and substantial risks associated with having lpr tools. And couple that with the fact that there is commercially available data, that there are other agencies that have this type of information. I think there are other ways that we can still aid in investigations without necessarily taking on such a tool ourselves. And that's important, because of the time that we're currently living in. Council member Kelly, you mentioned -- you cited a court ruling saying that we're not guaranteed privacy on the roadways. And that is alarming, because how do we know that someone in a neighboring county won't be using our data if we have an lpr on I-35 trying to track down an investigation of an abortion. Again, there are so many scenarios that could play out

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here, and knowing that this court ruling that you cited, knowing that the legislature as well as supreme court have said that women do not have the right to privacy when it comes to their reproductive health choices. I remain uncomfortable with the proposal as currently considered. >> Vela: And I just want to note that -- and this is not -- I take APD at their word that they're going to be very cautious and careful with the data, but the reality is, that there are numerous examples of misuse of apr data from around the country. And honestly, from around the world. So to me it's just a matter of time before that data is police used or falls into the wrong hands. Again, you cannot abuse the data that you do not collect, and that's the core of what I'm proposing. >> Mayor Adler: Allison. >> Alter: Thank you.

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Appreciate hearing from my colleagues who have spent a lot of time trying to understand this complicated set of issues that do have pros and cons on all sides. I wanted to ask council member vela -- council member Fuentes followed up by asking whether you were going to still be pursuing the three minutes. I'm not understanding how you have the three-minute and you do what you just said about finding the stolen vehicle or the kidnapping suspect, if you only have data retained for three minutes. I can understand that if you have 30 days, and I obviously support that, you know, over 365. But, like, there is another side of this where you're trying to help the victims, and I'm just not following how with three minutes retention you do that unless somebody's always checking for that particular license plate at all times, or

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then you're -- I mean... >> Vela: So the way is a hit. If you enter in license plate abc123, once it hits, that data is retained. If you get a positive identification on a license plate number that you're looking for, that data is retained until the case is resolved, essentially, or until the investigation has been completed with regard to that license plate. But you're not keeping the location information of all the license plate data that you're collecting for 30 days and for 365. It's looking for a specific license plate, when it hits, that data is retained. >> Alter: That's helpful, because some of these mechanics are challenging. But if you were trying to figure out where that license plate was, 30 minutes before you entered it, you wouldn't be able -- you wouldn't be able to do that. >> Vela: That's correct. You would not retain data on,

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you know, where any unknown random vehicle is driving around. For example, you're not going to have 30 days of location information on that vehicle saying, oh, look, there they come northbound on I-35. There they go southbound on I-35. That would not -- that's the level of data that I don't want to keep, because I do think that is a violation of people's privacy, that unless I'm suspected of a crime, I don't think anybody has any business keeping my detailed whereabouts as I go around Austin, Texas. >> Alter: Thank you. Chief, could you provide any more insight? I'm just trying to understand some of the tradeoffs here. >> Absolutely. I think an important note to make is that until there is somebody who is suspected of a crime, that information is not searched or looked at. We have to have that criminal connection before we can look at anything.

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With three-minute retention, we will only get a realtime hit on vehicles we knew in advance that we were looking for. So if we already have a stolen vehicle that's been reported and we put it in tcic, then we will get a hit of a stolen vehicle that we have in a driveby. If there's a particular crime that has been committed and we know that a suspect's vehicle license plate, and we can put it into the hot list program, and if we happen to drive by it, we'll get the notification. But what we won't be able to do is to proactively go find that vehicle and save that victim or retain that evidence or take the suspect into custody, get the guns off the street, because we won't have a place to go look. We can't see that vehicle has been over the last few weeks. It's an important tool to be able to resolve the back end of that crime and to recover people safely. >> Alter: Can you provide an example of where that was

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important? To the extent that you can. >> Yes, the one that pops to mind most quickly is back a few years ago, there was two individuals who were -- they were set on abducting a young girl and sexually assaulting her. They were in northwest Austin and they went to a bus stop and tried to grab one young girl, a middle school aged girl who was able to get away. Shortly after that, they grabbed a second girl who was able to jump out of the car and get away. The witnesses gave us the license plate of that vehicle. We responded immediately. Obviously, it's a serious crime. There's a series that's been committed, it's escalating in nature. Unfortunately, the registration did not come back to the current location -- excuse me, the registration was not current, to the registered owner of the vehicle was not accurate. So we don't know who's driving the vehicle today when this is happening. But a very quick search of the license plate scanner database showed that it was scanned at a

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residence in the area. We go to that residence, we find the vehicle. One of the suspects is still on scene and confesses that they were looking for a young girl to sexually assault. We're able to take both of them into custody. With a three-minute -- with a retention program, we would not have had that information and they could potentially have gone on to succeed in their mission that day or that week. We only will have success in the vehicles that we know about in advance and we will not be able to go back and find out where these vehicles have been so that we can stop these crimes that are being occurred. >> Alter: Thank you. Mayor, I think your comments and council member vela's really point to the challenging policy questions that are before us and the tradeoffs that we need to navigate with this discussion. So I look forward to hearing more. >> Mayor Adler: Leslie. >> Pool: I'll just close by, again, expressing my appreciation for council member Kelly continuing to work on this

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initiative. It's an important initiative. It is a balance of policy concerns as has been pointed out pretty well in our discussion over the last hour and over many, many weeks and conversations. I continue to support this initiative, your ifc. I do think it is stronger and a better initiative than when it was first out of the block, and I really appreciate everybody digging in to help with these improvements. We have to be able to protect our community, and that crosses lots of different divides, and I think that this ifc assists in ensuring that our community is protected. Thank you. >> Mayor Adler: You want to go last? I was going to let you close this conversation. Kathie, did you raise your hand? >> Vela: Chief, just real quick on that example, did you say that the people that escaped,

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they were able to provide the license plate information to the police department? >> The witnesses that were watching what was happening gave us the license plate. >> Vela: So presumably, if we had a hot list alpr, the police department would have entered that license plate into the hot list alpr. >> Which would only be helpful if we happen to drive by it. It would not be helpful to go back and find them before they found another little girl. >> Vela: But if you're putting alprs around, like on I-35 on major thoroughfares, then presumably, that will trigger a hot list notification, and then you would have known where that vehicle was -- I mean, isn't that correct? >> Only if it drives by one of our cameras. >> Vela: Would you -- thank you, chief. >> Mayor Adler: Council member Kelly. >> Kelly: Thank you. Just to kind of circle back to what you were saying, council member Fuentes, I'm hoping that you could help me with this, because I've heard it a lot, not just from other colleagues, but also just out in the community, some of the emails we've been

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getting. Can you provide me with an example of when lprs have been used to track someone seeking an abortion? Has that ever happened that you're aware of? >> It has not happened yet that I'm aware of. But the concern is the likelihood that that could happen. We have heard that there is an intent to take away prosecutorial discretion this upcoming legislative cycle. So while we have decriminalized abortion in the reporting and investigating of abortions, there's nothing to say that Williamson county won't pursue. >> Kelly: Thank you. Have you ever heard of that happening? Maybe you've heard it from other agencies. >> I have never heard of that happening. >> Kelly: Okay. Thank you. And I have another question for you, assistant chief. And this may seem a little out of left field, but there is a reason for it. Do you know what our average response time is across the city of Austin to get to someone when they report a vicious crime, such as the ones we've been talking about today? >> I don't know it off the top

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of my head. I know it's something that we've been struggling with recently because of our staffing issues rising. >> Kelly: Would it be sufficient to say it's most likely more than three minutes? >> Yes, ma'am. >> Kelly: Okay. Thank you. And then I want to just thank the 445 individuals across the city who have emailed our offices over the last two weeks in support of this item, and just say that it's nice to get feedback from the community. Thank you very much. >> Mayor Adler: Ann. >> Kitchen: Thank you very much. I wanted to have a little more conversation about the abortion example, and thank you, council member Fuentes, but clarifying what your concern was about another jurisdiction, for example. So, for me, this is very important also. And so my thought was, okay, hopefully that doesn't happen, but if it were to happen in

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Williamson county -- okay, I guess the protection that I'm thinking protects us against that, and you can tell me if it doesn't, is the fact that the only people to have access to our database is APD officers, not Williamson county officers, or not officers from any other jurisdiction. So, help me think through it. And I'm just trying to think through it and you can help me. So if only APD has jurisdiction and they have to enter a criminal case number to actually search the database, and, you know, we've talked about how much data should be in that, but to search the database, I'm not sure how what's happening in surrounding communities impacts us, unless the concern is that we don't have sufficient control over a request to us for a particular case. Is that what you're thinking?

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>> Fuentes: Well, from my understanding when we last discussed this topic at last week's council meeting, or two weeks ago, our lpr data would be shared with the Austin regional information center. And so that is another platform that has -- that other law enforcement agencies have access to. So they're all feeding in data into this one entity. So who's to stop another jurisdiction from accessing the information that Aric would, in virtue, have access to as well. >> Kitchen: Well, my understanding is that's not what happens when data goes -- and so I'll ask the officer, because if that's what's happening, I don't want that to happen either. And that's why we have language in this resolution that I thought was protecting us against that. And if it's not, then we need to do more. Because my understanding was that -- and we have language in the resolution that I thought said that no other -- that if

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another jurisdiction wants -- that this is our data that we own. And that if another jurisdiction wants access to it, they have to ask us. Am I misunderstanding? Can you address the scenario that council member Fuentes raised a concern about, about our data owned by us going into Aric and then other law enforcement could access it without going through us? Is that what's happening? >> So, the information is accessible to Aric and another law enforcement agency could request it from us if they don't have access to just get in and view everything carte Blanche. They don't have a log-on directly to our system. >> Kitchen: Okay. So they have to ask us. They cannot log on to the system for our data directly. It has to come through APD; is that right? >> Fuentes: And abortions would be considered a crime, so they would be asking for information relating to a criminal proceeding. In which you would have to give

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them the information. >> Kitchen: No, we wouldn't, because we've got language in here that talks about -- I thought we had specifically had language that -- >> If I could help you with this. >> Kitchen: Could I speak to it first? It says data shared -- >> Mayor Adler: Do we have our lawyer on the phone here with us? Jackie. >> Kitchen: Data sharing will only occur for investigating and/or prosecuting criminal activity for APD. >> Mayor Adler: So let's find out if that's legally viable in that paragraph. >> Kitchen: Yes, because I'm concerned about it, too. >> Harper-madison: Can you ask council member kitchen -- can you get a little closer to the mic when you speak, please? >> Kitchen: Sure. I'm sorry. Which part did you not -- >> Harper-madison: I didn't hear any of it. You don't have to repeat anything. Just moving forward, if you could do that, that would be great. >> Kitchen: Okay. I just want to run the scenario. >> Mayor Adler: Jackie, can you talk to us about when or if we have to turn over data we have? >> Okay, yes.

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So, in the -- in our resolution, we have in there that we will only use our license plate reader data for our own criminal investigations, and if there is a request from another law enforcement agency, we will not give them access to the database, we would give them the information if we are required to do so by law. That is in the draft resolution -- sorry, the resolution that has been posted on the message board. It says data sharing will only occur for investigating and/or prosecuting criminal activity for APD. If a circumstance arises where the city is required by state or federal law to share the information at the request of a state or federal agency for another law enforcement purpose, then APD will not grant direct access to the database. But will simply supply the requested information for

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specific case where investigation to the extent legally possible. >> Mayor Adler: The question is, when are we legally required to turn over data that we might not want to otherwise turn over. >> That would be like, for instance -- well, basically, going to what you all have been asking about, like, if I request information regarding an ask for us to cooperate in enforcement of immigration laws, they ask specifically for license plate reader information, we will have to give that information. We do not have to give them access to the database, but we will have to give them that information, for instance. That's just an example. >> Kitchen: But we have a -- okay, so, I don't know if this works. But one of the things we put in here is the rest of the language, Erica.

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Oh, Jackie. Sorry. The rest of the language. It says if -- so we say to the extent legally possible. Maybe we need to fix that language. We have a step in here with APD reporting requests to the opo and mayor and council prior to sharing information. So isn't that something we can do also? >> Yes. So, we do not -- it

says if the city receives a request from information as broader in this specific case for investigation, APD will report that request to the office of police oversight and mayor and council. So, any time that we are having to give information that we otherwise would not want to give, we do need to let council know. Is that the answer >> Kitchen: Yeah, and I have a question for -- >> Before giving the information. >> Kitchen: I have a question if council member vela. I don't know all the categories, misdemeanors or felonies or things like that. So is the question of

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abortions addressed by limiting the -- >> Vela: My understanding is that state law would require the sharing of that data for -- like especially for a felony criminal investigation. I know that it requires it for immigration purposes and my understanding is that it would also be required. And I would say this, if it's not required it would be extremely unusual for a law enforcement agency not to share law enforcement records with another agency that is pursuing a felony criminal investigation. If we don't keep the data we don't have to share it. >> Kitchen: Okay, I wasn't asking for that. I'm trying to stay focused on this particular question. So there's a risk and that risk that we've identified is when can we say no and how do we say no to a request from another entity? That's really what it boils down to. This attempts to put a step

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in there before we say no. Not before we say no, before we give them anything that we wouldn't be enforcing ourselves. >> Mayor Adler: So I think the stated law is we can't say no and we cannot turn it over to ice. We can report back to council, hey, ice asked us for information that we didn't want to turn over but we're required by law to turn over and we'll give you notice that we've done that. Open question is whether if the attorney general or prosecutor in Williamson county or another place asks for questions related to seeking an abortion under state law. We've heard counselor vela's understanding of the law, but we haven't heard from our legal staff on that particular question. >> Kitchen: Okay. >> Mayor Adler: We did ask the question earlier and while we have you here, real fast, if we use commercially available data the chief, assistant chief were

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suggesting that because we don't own that data we don't have to turn over that data, but they would be required to get that data from the person who owned that data or the company that accumulated it. Is that true? >> It depends on the circumstances, but I would say that's not always true. I would say that it may be -- it may be possible that a court says city, you're in possession of it, this is under your duty to cooperate and law enforcement, if they say it is relevant, we would have to turn it over. So it doesn't

matter if it came from our private data or if it came from a commercial. It is still possible that we still center to turn it over despite the manner in which we received it. >> Mayor Adler: What about the -- what about state law claims. You answered the question with respect to the federal government and ice on immigration. What if the state wanted to

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pursue prosecution of the abortion law? >> I think the court if they said that it was relevant and it is our duty to cooperate, then we would have to turn it over. So it just depends on the circumstances. So it's not something that we could frankly say yes or no. It depends on the circumstances. If we're in possession of it it's possible that we will have to turn it over no matter what manner in which we received it. >> Mayor Adler: Okay, thank you. Kathie, did you want to go? And Alison, you had your hand raised? >> Tovo: I'm actually going to make my comment to our law folks directly in a different circumstance and how it may or may not be the same one here but I'm not going to talk about it in session. I changed my mind. Before we conclude for lunch after we're done with this topic I had a couple of things I wanted to highlight quickly. >> Mayor Adler: Okay. We'll come back to you then.

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Alison, did you have anything? >> Alter: Thank you. I had originally raised it to highlight a couple other things, but I just want to congratulate assistant chief for being assigned. >> Thank you. >> Alter: In this case I think this does matter. It's illegal to perform an abortion. It's not illegal to have an abortion. And so it would be the -- I don't know how that plays into to what you're talking about because if somebody went to get an abortion you wouldn't be able to charge them with a crime and presumably you know where the doctors are working. But I'm just trying to understand how that plays out. You know, there's some -- this gets complicated on a lot of issues, but I think that's just a nuance that we should keep in mind. And then I had a couple of

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other things whenever we come back. >> Mayor Adler: Anybody else, anything else on license plate readers before we take a break? I think we're back to you if your thing was on license plate readers. No. Before we take a recess, it's 1:15, to get to executive session and lunch, coming back afterwards for the remaining items, does anybody have anything they want to raise here real quickly first? Kathie, I recognized you first. We'll let you go ahead. Okay. Alison, you go. >> Alter: So for parkland dedication for commercial, we still have an outstanding issue that when we adopt it we need to have ftes to implement it. It doesn't go into place until January, but I need to understand if I need to have direction on that. We've asked multiple times and have not been able to get clarity on an answer. We do need

two ftes to implement it. And they come out of pld money so it doesn't require general fund money, but procedurally we need to have clarity on what that

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mechanism is. It doesn't have to happen on Thursday, but we need some clarity on that. And then I wanted to raise for 47 I think is the appointments. I wanted to ask if we could put council member Fuentes on as an alternate for campo. I think with the transition coming we need to make sure that we are covered in January and February and we need -- campo is a really complicated intergovernmental committee so we need a little bit of lead time. I've spoken with council member Fuentes and she's willing to serve in that role. I know I have a meeting that I have to miss in October and, mayor, you're also an alternate. This would be an additional alternate. And I just want to see if we could go ahead and put her on as that on the appointment stuff. Obviously things would be reshuffled come January or February as the new council desires, but I don't want to leave us without representation or a mechanism to provide a proxy because we have -- >> Mayor Adler: I think that makes really good

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sense. Without objection we'll go ahead and put that on the nominations. >> Alter: Thank you. So the clerk, if you could help us with that, that would be great. >> Mayor Adler: Kathie? >> Tovo: Thank you. So number 29 I'm going to submit hopefully if I remember to do so, a question about 29. But I'll just raise it, manager, for your attention today and to report back to us. We've had lots of discussions about vacancies and staffing within our police department. Number 29 is an interlocal agreement with UT to provide assistance and planning and execution of street closures and related activities. And I think I would like some information about how that may impact our capacity issues with regard to our police department. >> Mayor Adler: Okay. >> Tovo: Number 33 I know I was submitting a question and saw that mayor pro tem alter had already submitted one about this, so I'll mention as a -- it's a little bit confusing and had I known I would have just done the amendment as part of the budget, but we are

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making an amendment -- we're adding funding in the amount of 67,000 plus some change because that was already apparently in the works. I had brought a budget amendment for 233,000 for the sobering center and it's my understanding because this was already in the works they're going to handle this one and come back and ask for another amendment for the rest of the money. So it is an awkward process but the amount -- the total amount will be 233. And then 57, manager, is this -- this is setting a proposal for rate adjustments for Austin energy. Is this our consideration for the Austin energy rate proposal? >> Council member, this is their regular process at the end of the year. It doesn't always time exactly with

the budget so this is their process to do that. >> Tovo: To adjust the rate, to the power supply? >> That's correct. >> Tovo: Thank you. >> Mayor Adler: All right. I think that's all the items. So let's take -- let's

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reconvene here in executive session. It's 1:20 now. Do we want to try to be in executive session in -- at a quarter to 2:00? Give everybody a chance to grab things. We're going to hit the three personnel matters and then the str question. Does that work? Do we need that much time as a break? I was going to say 1:45. Gives a chance for people to grab lunch, go to the restroom and the like. >> Alter: That's fine, can you just clarify what we have left afterwards? I think we have the police ordinance and the police oversight ordinance and we also have the south central waterfront. >> Mayor Adler: I think you had three. I only had two. I have the police oversight issue, items 86, 87 and 91. And item number 90, which is the south central waterfront regulating plan. >> Alter: I think that's what I said. >> Mayor Adler: Okay. Those two issues are the only ones we have left. Okay. >> Tovo: Mayor, just one other and I can make this

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point on Thursday, but I am going to ask -- I know council member vela indicated he was going to ask staff to base an ordinance on his amendments and I am going to ask the staff to handle those as a red line as we would ordinarily do so when the statesman pud comes back to us on second reading we can see what passed on first reading and then we can see any alternate proposals as proposed red line versions as we usually do with amendments, rather than a whole new. >> That shouldn't be a problem. >> We'll do it that way. I'm only hesitating because if it's so different it's sometimes hard to do a red line version, but as we draft something we'll see what makes sense and it will be clear what's different. >> Mayor Adler: Okay. All right. In that regard city council is now going to go into closed session to take up four items pursuant to section 551.074 of the government code. We'll discuss personnel matters related to items e1, e2 and e3. Which concern performance

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compensation benefits for the city clerk, city auditor and municipal court clerk. And then pursuant to 551.071 we're going to discuss legal issues related to item 93, which is short-term rental regulations. Without objection we'll see you online at 1:45 and then we will return after that executive session to close out the conversation on the police oversight petition and the south central waterfront resolution. [Executive session].

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>> Mayor Adler: We are out of closed session. We discussed legal issues related to item 93678 -- 93. Before us right now is to discuss the petition. We're going to spend the bulk of our time on that. We have a hard stop at 5:00. Housekeeping matter before we get there with respect to south central waterfront, which will discuss the merits of it, if we have time at the end of the police petition conversation. But in a break, the question has come up about considering possible postponement. You were explaining to me staff position on that. I just wanted you to share that with the other council members as well. >> Thanks, mayor. Again, the staff has been proceeding with the regular plans we've discussed in the past work sessions and council meetings, and so that work continues. And our main feedback has been that there's going to be a change in direction or additional direction from council. The sooner we can receive that, the better. If there is a postponement, it

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would continue to mean that we're considering with the regulating plan and not necessarily deviating from the schedule that had been previously outlined. And also, if I need to be corrected on anything, but if that's generally -- we're going to keep proceeding until we hear other from the council, and any postponement would just delay that additional direction that would be given from the council. >> Mayor Adler: So with respect to that and the question, it was the intent of the resolution that was filed not to preclude staff from coming back with whatever recommendations they wanted to, including but not limited to the work that they have been preparing and we're moving forward to, but to also point out that there was this additional scenario that it seems like our critical council wanted to see, and that was to say to staff consistent with their request, just don't proceed under what you've been doing. You need to give us back something that also allows for

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greater raising of resources to be able to fund the community benefits and the public infrastructure. That was the intent of that. Ann. >> Kitchen: Just to be clear. I agree, mayor, the intent was to add options. Not to take away options. And so are you saying that you're proceeding with the option you've been proceeding on -- are you saying that we need to pass this other before you can consider adding an option? >> Mayor Adler: I think that staff was asking for direction. If they wanted us to consider

something else, we needed to tell them that. That's why I put that. That way they can consider it, they can take a look at how that impacts their timelines of their presentations. It's not the preclusion of them coming back with whatever recommendations they want to come back with. It's not making a choice on recommendations at this point. >> Kitchen: Right. >> Mayor Adler: It's getting additional information and data. And for that reason, I think you can proceed on Thursday, since

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it's not making any choices on anything. But just asking -- but Kathie, you had indicated that you had had some specific questions that you had hoped that I'd be able to address. >> Tovo: Yeah, I had pulled this because I do have multiple questions. I submitted some questions through the q&a that are for the staff. But as you know, when it's in ifc, we have to ask questions of colleagues here. But I need to start where the manager left off. Can you remind us the date of when the regulating plan is going to the planning commission? >> I will pull up my laptop and get that date for you. >> Tovo: I thought it was within months. >> Sooner than that. Our first discussion, I believe, may be around the week of the 19th. >> Tovo: Of September? >> Yes. Looking for any type of deviation from the current plan to come from council immediately. So that way we could at least pause that process of releasing

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that information, until we have a chance to encompass the new council direction. >> Tovo: And so as I read this resolution -- and my staff pulled one resolution I did about the regulating plan. I think there was other direction that I brought forward about moving forward with the regulating plan. Mayor, you've done resolutions. We've met together with staff for years now, trying to get the regulating plan finished. So, one impact I see from this resolution is that we're moving it from, you're about to bring forward the draft, so I assume the draft exists. >> Yes. >> Tovo: And it would be paused from September until at least June. >> Yes. In order to make sure that it encompasses any new council direction. >> Tovo: And so I need some help understanding what that new direction will be based on this. So, the -- so the second be it

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resolved -- well, the first and second be it resolved are talking about things that are already part of why you're doing the regulating plan, I believe. Creating a vibrant community, facilitating the required infrastructure, the 20% affordable housing. I'm assuming those are all part of the intent of the existing regulating plan. >> Sure, and it might be easier for staff to talk to council about the resolution and how we would interpret it. And how we would then take that as direction, including new direction. And then what we would have to do with the current regulating plan. >> Tovo: Maybe so. If I could just ask,

though, I think -- like, as I see the first be it further resolved and the second one, that's kind of what you've been working on, creating a regulating plan that realizes the vision and the vision was infrastructure, 20% affordable housing.

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>> Mayor Adler: The concern was that they've also reported back to us as they were working on the regulating plan, that the regulating plan they were working on didn't deliver these things. So, if, in fact, we really wanted these things to be delivered, then they needed to get different kinds of direction in order to make them financially feasible. >> Tovo: Yeah. I'm just trying to figure out where is the additional direction. I think it's in line 78 to 82, but I'm just trying to drill down on that. >> Mayor Adler: Yes. >> Tovo: Last week, when we talked about the regulating plan, I think, Mr. Dutton, you mentioned it's an opt-in. I have assumed it has a density bonus program; is that accurate? >> It is, council member tovo. It's effectively the entire thing is a density bonus program. >> Tovo: So then the third be it resolved asking that there be a density bonus program is already part of the regulating plan that you were planning on bringing forward. So I think what is different here is -- are the options from

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lines 78 to 82. And mayor, that's a question for you, and that would be to allow height and F.A.R. And entitlements beyond what were identified as possibilities within the vision plan as one option. >> Mayor Adler: Because we were told that developing to to vision plan was not -- did not render the district financially feasible. >> Tovo: And then the next option would be just to change the base zoning throughout, without tying it to a density bonus program. Am I reading that correctly? >> Mayor Adler: Yeah, I didn't want to limit the staff coming back to us, and what they could come back to us -- I'm comfortable with staff coming back with an entire density bonus program personally if they did that. But I was trying not to prejudge the questions. >> Tovo: As I see it the new piece -- what this is doing that's different from the regulating plan you've been working on or are prepared to deliver here in

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a matter of weeks to council is that you are asking them to consider upping the entitlements in this district as one option and as a different alternative just changing the base zoning. >> You asked for additional direction back when we had these conversations, and you came to us in June, pointed out a question. We asked questions about it. You have done work with consultants saying we needed do things differently. You asked for direction. That's what I was trying to provide. >> Tovo: Can I just make sure I'm understanding -- >> I'm trying to give staff what they wanted because they indicated they

needed additional direction to be able to proceed. Whatever additional direction was they needed to do is what I'm trying to give to them.

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>> Can I add one thing relevant to them speaking? When you speak to this, I signed on to this, and my intent was to sign on as the mayor suggested. Also, it was a follow-up to our conversation. My concern at that time was to get to the level of affordable housing that we want to get to that we need to look at the whole south-central waterfront and not piece by piece because the way we're doing it piece by piece, we're never going to get to housing. My concern was to add options that could be brought back from the council to consider that would allow you to consider an incentive program, or to

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consider something that was more like what we initially did with regulatory plans, which has to do with requirements in zoning in exchange for the benefits that we wanted to see. I think that -- I think I'm saying the same thing. Just perhaps a little bit differently, and that's what was important to me. >> Let's find out their answer to this question, and then we'll have a better idea what questions to ask. >> We recognize also the time that has transpired. Not just talking about the regulating plan, but going back to the initial plan. I recognize council member, your concerns about piece by piece parsing. The regulating plan has always been considered as going forward asser --

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all we're talking about is some sort of different direction that council wants to give, they even can differ from the vision plan, that's what we need to be informed of what that direction is. What was adopted by council is and what we are taking as direction is the vision plan. I don't think there's been any other significant direction from council with regard to the regulating plan. Greg can offer us any clarification in that regard. >> Mayor Adler: The vision plan has certain height limitations that I think we have also been told if we live by those height limitations, we can't get in this district all the things that we want to be able to get. I'm looking at the draft regulating plan that we have

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prepared. That incorporates and carries forward the height limitations that were contained in the vision plan. So again, being told that if you are bound by those, we can't do something that's financially feasible. I think that the purpose of this was to go back and say given the goals that we're trying to achieve, give us a plan that actually could help deliver to us the things that we want. In that regard you can consider additional F.A.R. Or additional bonus programs or consider whatever you think is reasonable and necessary for us to be able to realize all the community benefits and the capital infrastructure that's necessary in order to be able to drive and enable the development that is also necessary for us to be able to get the community benefits we want. >> As we bring these items

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forward, we will be asked, okay, what's the basis for the regulating plan? We want to be able to lean back and say the basis is the previously approved council direction. Right now that direction is approved vision plan. If this council chooses to offer direction that's in addition to or different than that, that then gives us the information where we have those conversations with boards and commissions is that delineate why the regulating plan is coming forward as it is. Thus far the regulating plan is following the previously approved council direction, which was adoption of the vision plan, and so that's what we're coming for. That includes the limitation for parcel summit 100 feet. >> It does. >> Mayor Adler: Most of them at less than 100 or 200 feet, and with just one parcel that exceeds that total. It's intended for the staff not to be limited by that in at least one regulating plan option they bring back to us that can

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function. >> Pool: Also to this point on the regulating point, I want to make sure we're not raising the floor of entitlements in the regulating plan. As y'all are crafting the plan and I think to give us some sense of structure, I only want to consider raising the ceiling so we can capture more community benefits through the density benefits -- bonus program. That is a little bit difficult. >> Mayor Adler: I would be fine on Thursday if people wanted to take that out. >> I'm going to suggest something along the lines of changing it to insuring additional entitlements can only be achieved through a density bonus. Something along those lines to be more specific and to answer any questions. >> I just want a plan that can deliver to us what our community has that area to deliver to us.

[4:08:10 PM]

>> Kitchen: This is in the nature of options, which is what we're asking to come back. We have a little different perspective on what option we want to see. I'm just wanting to make sure there's an option in front of the council to get us to the housing that we're talking about and not in a voluntary way. My understanding from our last conversation -- we had a long conversation on the dias about the difference

of how we normally do regulating plan as overlays that might be the best way to talk about them and as density bonus. Density bonus means they can choose whether or not they want to participate. An overlay is more of a requirement. My understanding from the conversation that we had was that other - the way we've traditionally done regulating plans, make them more of a requirement. I'm not here today to argue one way or the other. That's not the purpose of this resolution. The purpose of the resolution is

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to bring options back to the council. The reason it's important is because of the conversation we've had about the way the south-central waterfront is set up. It's set up with the community benefit that you are getting different community benefits in different parts of the vision plan because of the configuration of it. From our conversations and my questions with you all, we don't have a path, and we don't have a mechanism for insuring that we get to 20%. I'm asking, is there a way to do that with a regulating plan that is not so optional bushgts that really gets us -- in my mind if we were to come back and say here's the heights and the

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changes that we needed what's the Onks for making sure that we get housing for that? That's not voluntary. Again, at the end of the day, I might not vote for that. None of you might vote for that. We want to see. My understanding from the way that the regulating plan was originally envisioned to be years ago was it was more of a regulating plan the way you usually think about regulating plans as an overlay and actually carrying out that vision. I want to be clear on what imauto talking about. >> We welcome any council direction in that path, and if this is the will of council and the vote on the resolution, we will bring that forward. Greg can speak to, of course, the current regulating plan. You mentioned using an overlay as an option, so I'll defer to

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Greg on that part of it. >> I'm not certain if I'm using the right terms, Greg. I'm trying to repeat the conversation that we had from the dias. >> Sure. Council member kitchen, with regard to affordable housing, that is something that we cannot require through any regulatory mechanism. In all of our overlays or density bonus programs, it's always a volunteer thing. We can do things like grant additional height, F.A.R., density, but the income has to be incentive-based. >> Kitchen: I don't want to take us down a tangent, but all I'm asking for is as part of the options is how you get to the affordable housing that has been recommended for the whole vision plan in a circumstance where

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you've got parcels that are owned differently. That's what I want to see back. >> That's what's going to continue to give us some potential problems because it's not something we can do as a requirement. We can structure the regulatory plan that is an opt-in choice for developers to make. They want the additional entitlements. They would need to provide the affordable housing, but we cannot require them. We cannot require them to opt into the regulating plan. >> Kitchen: Again, we can talk offline about that. Is there no route, or you have to think about it further? There's no route to get to the amount of housing we're talking about across the whole vision plan? >> There's a route to get to the amount of housing. Just housing units. >> Kitchen: I'm talking about affordable housing. >> Income restricted housing, there is no way to guarantee

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that. >> So we can't get to the same vision then for affordable housing is what you are saying. >> I don't want to make that as a caveat of all of our collective efforts. I think what Greg is referring to is with regard to that one specific device of the regulating plan. Let me say that it is our staff goal to put forward a number of units and the percentage as envisioned. We are looking at it from that financial perspective. We are looking at all sorts of different mechanisms. Your question, I think, is being interpreted as can the 20% only be achieved through the regulating plan. What I'm offering is that we are looking at achieving the 20% to a variety of mechanisms, and that's what was put forward in the vision plan. >> Kitchen: That's what I'm wanting to see when the option comes back. How does that fit on a path towards getting the targeted affordable housing across the whole track? >> Mayor Adler: My words may have been inartful.

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I was trying to ask some of the same questions you were. I wasn't ready to rule anything out. There's a certain amount of infrastructure that we're going to provide by virtue of the funding. Like sidewalk widths and street widths and grid widths. I also believe that affordable housing is an infrastructure element. If there's a way for us to be able to raise money to be able to subsidize it as part of the project, that would be an additional way to be able to do it. I didn't want to limit their ability, and I may have been overbroad in the language that I used. I'm willing to consider alternative language, but the intent is to drive the community benefits that we want. Mayor pro tem. >> My first question is for, mayor. Have you seen a draft? >> Mayor Adler: Only from four

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years ago. What is the time delay of doing what's in here? >> Mayor Adler: I don't know if we've provided. Have we provided potential delay? Okay. >> That's what the resolution says. Okay. I don't know if that's right. >> Mayor Adler: It's a good question for you to ask. I had originally proposed it with blank and said let us fill in that blank for you. That's how the staff filled in that blank. >> Otherwise, we have a draft regulating plan Monday, correct? >> I can clarify it. I think the issue really is that that additional time is needed for review from external sources. We need that time to have the sort of plan proved out before it's presented. It means that time is used to accommodate any pivot that we

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get from council on Thursday and from external review that will help us determine if the balance of community benefits and incentives are properly calculated. >> Alter: I have a lot of reservations about this, and I would like to see the draft regulating plan, which is pretty much ready, so that I know what the alternatives are. I mean, it sounds like we can't do an overlay. That's required if we want affordable housing. There might be other things we can do in that overlay, but not affordable housing. Really the current plan using Denty bonuses with the vision plan is its basis for doing the regulatory plan that allows for the heights to go even further are the two options.

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I personally would like to see the option base and have you work on the other one. At minimum, we're not doing something that gets us in trouble to be able to do the minimum option. That's important also because if we start to introduce these heights that are well above what was in the vision plan, we're throwing ten years plus of work out and the community has said they didn't want that much height end. We may have a different view now, but we've got to go out and figure that out in some mechanism. We have to make these decisions or we're being asked to make these decisions. I'm not in a rush to make a decision, but other people are. I don't know how you're going to ask me to make a decision on the 29th or whatever day it is we find that we're all here and tell me you got a draft plan, and I can't see it for the basics. That makes me really uncomfortable. I'm not saying don't go do more

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work, but maybe you're not doing all of the other vetting, but at least we get to see -- >> Mayor Adler: To be clear, I wasn't proposing that anything get hidden, and I am in all support of getting everything out that's been prepared and presented, but as the chairman of the committee or the task force on the

south-central waterfront said to us when he testified, please don't have us spend any more time on something that is driving a plan that you're not ultimately going to accept because it leaves the district financially infeasible to do things that we need to get done. Please don't ask us to spend any more time on that. That's the option. If we don't want to do the additional height, then let's be honest and say we don't want to do the south-central waterfront plan. We're not going to get the benefits, and let's make peace with that. If we do want those benefits, we are at the least to have these folks and the volunteers working on something that actually

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delivers that. Since the work we're doing now we've been told does not deliver that, I don't want them to spend any more time developing that. I would much rather them spend time on something that can actually deliver the project for us that we -- that the community said it wanted. The community worked under the assumption, and now that's not the case. >> Alter: It's not delivering that if it's delivering a huge amount of more height. >> Mayor Adler: What do you mean? >> Alter: Even if it delivers these other benefits, it's not delivering the plan and the vision either if there's additional height. Does that make sense? >> Mayor Adler: What we said is that the original vision plan contains a contradiction. Yes. You can't deliver the infrastructure and the grid that was shown with the height limitations on the buildings. That's what we've been told. You can't do that. >> Alter: Again, if this is ready on Monday to show us that,

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I would like to see that, and I think it's important for the conversation if we're going to say we have to go up more for this additional height, the first thing I'm going to ask you when you come back with the higher height is what can we have done if we followed the other piece and we can -- we're almost ready to have that piece. >> Mayor Adler: That's what we were shown at the last two meetings. We were told how much money would be generated from the plan with the height limitations, and those numbers were run, and we have that economic analysis. Then they said if you give different entitlements through bonus or otherwise, then you can generate up to \$240 million additional funding. >> Alter: Right, but a lot of that was assuming you were doing -- there's a piece here that is confusing to me and maybe this resolution is just confuse to me. >> Mayor Adler: I don't have any problem with the staff -- >> Alter: I don't know how many more square feet that

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they're getting above their entitlements. The community wants to know what would we get from that? This plan is part of the key to being able to tell them that. I'm not understand whatting this does then.

I'm not objecting, but we could potentially go up behind. >> Mayor Adler: I don't mind staff giving us all the recommendations and all the studies that they've been prepared to this point. I don't want them to spend any more time on that. In order to be able to enable us to build the capital infrastructure, the street grids, the utilities. All those things that are

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necessary that are in the vision plan it doesn't give us the resources to be able to do those or to do all the parkland we want or all the affordable housing that we want. It doesn't enable us to do those things. On seeing that we said, okay, what is it we would have to change in order to be able to actually deliver the community benefits we want and the grid that was necessary? Do we ask that question? Staff came back to us and said here's a scenario that would, in fact, deliver the economics where you're certainly a lot closer to being able to deliver all those things. Then we said, okay, well, let us see what a regulating plan like that looks like. That's what that is. I just don't want to spend more time on something that at the very outset we know doesn't work, but I do think they should share with us all of that so that nothing is being hidden. They've told us what works and what doesn't work in terms of square footage that could be built in that area. It's the square footage that

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powers the resources that pays for the affordable housing, that pays for the street grid, that pays for those things. They've told us that. Now we're saying, okay, given that, what does a regulating plan look like? >> Alter: If a regulating plan alone doesn't get us there, we always knew that a regulating plan alone wasn't going to -- >> Mayor Adler: The heights, they're limited to and that would enable you to get there. >> Alter: Can't you come back with another scenario or two to show us what you can get? >> Mayor Adler: That's what this question is. That's what this is. That's what this was intended to be. Exactly that. >> Alter: I'm not sure that's clear in what's written that that's what it's for. I'm not hearing that.

[4:24:29 PM]

>> Mayor Adler: If you have additional wording, I am all ears for that. We tried to exactly say a regulating plan that contains all the community benefits envisioned in the vision plan to the extent possible. It should allow for the type and scope of development that maximizes the benefits achieved in xapt improvements and maximizes the opportunities. It says that we want to be able to fund the required infrastructure and the desired community benefits -- the desires for the south-central waterfront to help facilitate the necessary infrastructure and to realize the community benefits for the district, including the lively attractive pedestrians and bicycle area, public spaces, connections along the

waterfront, and increase housing which leaves at least 20% of which has to be new affordable units. I am perfectly open to additional amendments, but we've

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tried to explain here not only the why, but the relationship between the different components and then tried to leave it open for these folks to come back and say, okay, if we actually want to do this, what does that mean in terms of the regulating plan? >> To that point that's why I was saying we're not messing with the floor. At least that's my intention. The floor stays the same. We are going to raise the ceiling. How much additional height. If we can get staff to show us what that means in terms of financial impacts, then we'll have a sense of what we would have to go to achieve the revenue stream that would be needed to do the civic benefits. It's an exercise.

[4:26:30 PM]

We'll come back and give us some numbers. You can see how it is in the last -- >> Alter: I have quite a few questions, and I'm not sure we would -- this is number one in my district. I would love the opportunity to ask you these questions. We invited our representative from district 7, 5, 4, and somewhere else. You did not invite me to participate in it. I would have liked the opportunity. Again, this is an area of huge importance for the city, but also squarely in my district and typically that's not the way we do things, so I need to make that clear. I do have questions that I'm not going to be able to answer to my constituents who have been involved with these areas I understand it will delay, but having urged our moving forward on the regulating plan now time and again and we've started and

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stopped and started and stopped, if we're taking a new tact here, I think we all need to all understand what that is. I think the community needs to understand and need to be able to weigh in. I think -- just in the course of our conversation, I want to point out that it was -- it seemed pretty clear on line two that we were looking -- that one of the options was to look at changing the base zoning as across the way. I appreciate what I think I understand you're saying now is that you are willing to take that out. That's good. I have asked for the regulating plan draft to be in the Q and a. I do think we need to take a look at what's drafted. It's ready to come forward. I've assumed -- you can tell me if I'm wrong, but I'm assumed Mr. Dutton and others that lines 54 on is what you have been crafting. That the regulating plan that you have brought forward works with -- is attempting to achieve

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the community benefits envisioned in the vision plan to the extent possible. So I'm interested in seeing -
- I'm interested in seeing that. >> Mayor Adler: To the extent possible, does that mean you've figured out a way to make it financially feasible, or you've gotten us close to financially feasible as you can chshgs shy by \$200 million? >> It's more of the second, which is to the extent feasible. Yovrl, there are going to be trade-offs in there. If the community comes forward and says after decades of talking about the heights at these levels, we're supportive of some increased height? But maybe not as far as has been discussed. I think we need to understand where those trade-offs are. I'm interested in seeing the regulating plan where it is at the moment. I've also asked some questions.

[4:29:33 PM]

It sounds -- you'll see questions in the Q & a about the east Riverside regulating plan. I think if you are taking out these entitlement zoning across, that's a point that I want to -- I just want to explain why identify asked those questions. One of the things that the council did and I was a part of it and voted for it, that we increase the entitlements along the east Riverside corridor and added a density bonus program on top of that. Because we did that, we have gotten very little affordable housing, if any, in those areas. Most people don't participate in that density bonus program. To me that was really instructive. You were looking for requirements that would insure we have affordable housing, and the only way we do that is through density bonus program. Question need to be careful to not refute and increasing the entitlements. If what we want to do is I'll

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likely have some more questions on Thursday. Mayor. >> Mayor Adler: Just really quick, really quickly, I think often there will be a policy conversation for the next council because it could be that the policy decision is we want to keep building slower in the development less, and in exchange for that we're willing to accept less parkland and less affordable housing and less changes to the urban landscape. That could be the choice that's made. We're not making that choice now, but that's going to be a choice for a future council. Or to have increased height and have more affordable housing and have additional parkland and have additional community benefits and changes to the urban scape. We're not making those decisions now. We wanted to be able to see those are the options, and we wanted to realize the full amount. I meant no offense by not joining you in this, but it's something I've brought up here now for successive council meetings. Some other colleagues came and

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said I want to support that concept and work towards making that happen, and those were the people that became the sponsors of this because this group, bringing it to the balance of the council, I would hope that you would end up supporting, as I hope that you would end up supporting the additional density that this asks, but I also realize that you weren't ready to do that yet. Yes, the people that joined us were the people that approached it and said that they wanted to put the shoulder behind this and move it forward. It was not intended to exclude you from the conversation at all. In fact, I've tried to set it for work sessions like this so you could participate in this kwefrgs rather than having something that a group of sponsors were dealing with on their own. >> Tovo: I appreciate that. However, we've talked about it in very limited ways, and we've run out of time almost every time it's been on the dias. Even when we had our presentation at council it was that way. Sometimes whether or not we would agree on that, I think some of our conversation might

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have highlighted some of the issues that we're now spending time talking about today, like the base entitlement across the way. I want to say I've often included people in this room, including you, mayor, as part of my sub-quorum, even if you aren't a co-sponsor. I think that including as we're kind of wrapping up our time here together, those of us who started the 10/1, I think we all learned a lot about how to work within the system. You know, it's not just I think out of courtesy to include a council member who represents the district, but it's also a very good way to benefit from the expertise that someone brings in terms of their district and in terms of in this case the south-central plan, which I have read probably more studies on this area updating back to the '70s than a lot of people in the room.

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>> Mayor Adler: Yes. >> I just want to say I appreciate us all talking about this. Without all the history that everybody else in this room has, I know I would appreciate more time to talk about it. I'm wondering if this is something that would be appropriate for a special meeting where we could take speakers because there are people who this will affect that I do want to hear more from. >> Kitchen: I want to emphasize again that my purpose here is information. It's not making a decision. I think that if we don't get the information, we can't make any other decision because we won't have it in front of us to have any trade-offs. That was my intent in supporting this, and I felt like it was -- it just came out of the last conversation that we had. This is -- this doesn't make a decision one way or the other at

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all. I just want to emphasize that to everyone again that this is just about providing us more information and options, which I think is important. To that end I have a question. I am a bit surprised about the

amount of time, though. It was not my -- not a big surprise. I'm totally surprised about the amount of time. I'm not understanding given that we're -- that we have one option that you are able to deliver to us essentially now, why it would take almost a year to provide additional information, and the reason I'm not understanding that is because we're essentially talking about trade-offs that we've already done some analysis about. There had to be some analysis done to come up with the -- to come up with the understanding, as the mayor has said, come up with the understanding that it

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would be with the current entitlements we're not going to get to the dollar amount we need to get to the community benefits that we're talking about. I just -- I don't understand why it would take so long. With pair every mayor pro tem and -- seeing what you have already would be helpful. I think we're all in agreement on that. I would like to understand if there's a way to move more quickly in showing us because that's the first question that's going to happen when we see what you've got already. We're already -- we're already asking the question. Here's what's in front of us. We can't get X, Y, and Z for it. What would it take to get X, Y, and Z. We can't make a decision based on that, I don't think, or it would be difficult because we're operating without all the information. I guess I'm just asking what's the hold-up? Is there a way? Maybe it's a phased approach to

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giving this information or maybe it's information that is more preliminary perhaps that could then go through more vetting if needed. Do you see what I'm saying? >> Absolutely. Let me start by saying that we are always endeavoring to come back to council as quickly as we can. It's never our intention to sit on information or to delay the response or anything like that. The June date offered was just being very conservative. All things in the mix. This is new to us. Of course, potentially a change in the direction. We wanted to insure that we had adequate time to, of course, get in alignment with what the council direction is, and also, of course, from our understanding it would involve a recalibrating of the regulating plan. Recalibrating means because it's an opt-in basis we have to look at what the market would support, what a developer would say, yes, I want to voluntarily opt in and assign myself.

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That takes a market recalibration. Wipt to move forward with the south-central waterfront district plan as quickly as possible. This could potentially be a new direction for us, and we want to make sure that we engage in it and that we work collectively and with our consultants and look at all the market information that's out there to make sure we're giving you the best possible. >> Mayor Adler: Between now and Thursday could be look at maybe we could feather in information and maybe there's some

basic information that could be given to take a look at that so the community can kind of be brought along in the conversation instead of having it tied up.

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That's an important thing to take a look at. >> Tovo: The time that we're asking for is absolutely spot on. It's to allow us time to redraft the provisions of the regulating plan and to work with an outside consultant to review and test and help us with the calibration piece. Also in that is a three-month process to present the boards and commissions. When we say we're bringing it back to council in nine months, it's going public not in June, but in March. We have the three-month public process to work it through boards and commissions that's baked into any of these types of actions that we would be bringing back to council. That's helpful to learn. To your point, I think it's going to be really important to have a community conversation, but my sense is it's not now. That that conversation needs to happen when we have the additional information and data. I'm real concerned about your conversation now where there is

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no information or data. It's been really frustrating for me as a member of this community to look at the public debate that it's had on this issue and editorials and newspapers over the last four months without having the information out so the conversations really haven't -- there's been no ability to really talk about the issues because we're all dealing with different assumptions and different understandings. You can see that on the dias. We just need some additional information in front of us and options in front of us so we can understand what the different choices are and how those different choices impact what we can get. None of those conversations can we have yet until we finally get some additional stuff. All we know now is what we have in June, which is the plan we have now isn't financially feasible. That the original -- but it doesn't tell us what is, and it doesn't tell us how we would get there. Quite frankly, I don't think that the community at this point

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really has gotten enough information to understand why that's not financially feasible. I think that if we go through this process, we can actually get that information. I think there's a much richer conversation to have that has to happen, but I hope that we can get a little more information and data to the public as we go into that conversation. >> Tovo: Thank you. I appreciate you laying that out for me, but I would like to see what council member tovo thinks since it's in her district for getting that feedback versus waiting for information. >> Mayor Adler: It's in my district too. Councilman tovo. >> Tovo: Thank you for the question. I'm really confused about whether we're getting more information about what works or

actually directing them to redraft. I think there's a difference between those two things. You know what I hear is redrafting, and to me that would suggest that first we start with the community conversations if

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we're asking them to get information and come back. That's a different -- that might be a different answer. I guess while I'm talking, I'll just say if there is a draft, it would be good to know -- well, anyway, I just -- again, it's very confusing what this is draft and what responses it produced. >> Mayor Adler: Councilman vela. >> Vela: We have the one Texas center, and we talk about achieving our goals. That is due to achieving our goals. It's not just a project and parcels where we can squeeze? More affordable housing units here or there, but we have our own parcel potentially ready to be redeveloped where we could add a lot of affordable housing. On that my goal would be to maximize the total number of

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affordable units on the site. Not the percentage. Again, going to the same discussion, 20% of 200 units, if we can get a much higher raw number of units, I would support that even if it's less as a percentage. You know, if we end up with 13% of affordable, but the 13% is a much bigger number than the 20% with the previous calculation. Then we're still winning even though the percentage may not meet our goal. To me the percentage is just a number on paper. What counts is the actual number of affordable units that we build in the area. I don't want to lose focus and hold that 20%. It's got to be 20%. No. The overall number of total affordable units that we build on that should be -- >> Mayor Adler: I would be willing to get a Lange change to this that incorporates that possibility as well. >> Vela: I think you incorporate that language. You say explicitly the number of

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affordable units that we can create, and, again, I think the ombudsman conversation has been receding in the fact that we're already on this one track to negotiations with the one developer with regard to the public benefits on this one side, and we're already finding ourselves lacking. When we look at the entire south-central waterfront, again, I think we are already confronting the problem that we're just not going to be able to get where we like to be. I'm co-sponsor, and I completely agree with the sentiment that let's take a look at it and see how we can maximize both the number of affordable housing units and the public benefits on that track. Again, I know we all hear from our constituents, but I think the idea of making this area a beautiful world class destination. That's where my constituents are

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at. That's the feedback that I hear. I don't hear concerns about height. I don't hear concerns about the quality of the trade. The quality of the parks. The accessibility of the site. Family activities. Those are the kinds of things that my constituents are asking for out of the south-central waterfront. >> Mayor Adler: Anything on this before we go to the last thing we have on the agenda? Mayor pro tem? Alter: I wanted to clarify. Only buds men have a lot above and beyond their entitlements, and also above and beyond the south-central waterfront plan, as I remember. Is that extra bulk included in the turns calculations?

[4:46:01 PM]

>> Deputy cfo. The original calculations were based on the square footage potential as noted in the south-central waterfront vision plan. For the updates that you received earlier this month, there were just -- there were general market updates based on current projected values. Still based on that square footage. Then the 8-1 F.A.R. Analysis was just considering 8-1. The statesman is not included because it's not an inked signed deal. The cuttant would not include something like that unless it's been completely approved. >> We know that they're asking us for these entitlements. The debate is not so much over with to get those entitlements but what they can provide and the community benefits. We haven't calculated the ters

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taking into consideration entitlements. >> Because the entitlements that are being requested are not finalized. They're still being discussed and debated. It's not appropriate to be included in those calculations because it could change drastically. As a result, what we do have firmly established to start the analysis was the square footage potential as noted in the south-central waterfront plan, vision plan, which was the eco-northwest had done that market calibration. When the rest of the team is referencing that calibration of just what the market can handle, that's where that square footage could come into play, and we could be looking at the statesman timeline.

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>> Could it be? Yes. Has it been? No. It's only utilizing -- >> Alter: I understand that's the standard analysis if you were going to the state and establishing the before and going through the financial plan that we go to the state, but in terms much our purposes of trying to figure out how highly we need to go to get the community benefits, it seems like that is a calculation that should be pretty basic to do. I know I, for one, would like to see those calculations so that we can understand. We already have someone in the market that is saying that they will show up and build something even bigger. >> The

other factor is when that market analysis is completed, it's not done on a parcel by parcel basis. It's looking at the entire district under consideration. As a result that square footage potential that was included in the vision plan. If there was a firm deal in place on any parcel, that could be accounted for, but for that

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it's based on the entire zone as opposed to individual parcels. >> Alter: A lot of this conversation is premised on this notion that it's not financially feasible based on the calculations that were given to us from our consultant. We received calculations from a developer that we're more reliant on the income stream. I asked -- I think I asked Ms. Olivaris as well to look at those numbers and tell us whether those are accurate representations or not. The amount of money that they were estimating would come in was really drastically different than what we were hearing from you all. I asked for those calculations to be evaluated. Do you have a time of when we're going to get those back from Brian Rogers? >> I think we had a response that I thought was loaded into Q & a from last meeting, but I'll have to go back and verify, and I'll recirculate that.

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It was during the meeting. >> Alter: I probably didn't see it. I'm not sure how it -- we'll go back and -- >> Alter: If you can second that back out, I don't remember there being a lot of income stream calculations in the analysis that you guys presented. That also gives me pause. >> Mayor Adler: Are we ready to move to the next item? Thank you very much. Let's call up the last item, which is the petition item >> Kitchen: I have a quick procedural question before we get into it? You are talking about the police oversight petition item, right? >> Mayor Adler: Yes. >> Kitchen: You mentioned something earlier this morning, and I want to clarify. The number of votes that are needed to pass it is seven votes, right? >> Mayor Adler: If you want to pass it on one day, you want to pass the third reading on one day, seven votes. >> Kitchen: It's seven if you

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want to pass it on one day, and otherwise, if it's just six, you have to do it on more than -- >> Three days. Nine votes if you are trying to pass it as an emergency item, which is why I went if you are trying to set it short of 72-hour notice, the subsequent hearings, then -- >> Normally you have to have three readings. If you have seven votes, you pass in all three readings. On three different days, but if you have six votes, you'll be able to resolve it on Thursday. It's not the question of what do we do. They said they would call, add a meeting to be able to do it on Saturday and on Monday. >> Mayor Adler: What situation do

you require -- >> If the item is an emergency item, it requires nine votes. >> Kitchen: But we're not in that situation. On Thursday if it were to be

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voted to pass on Thursday, it would require seven votes. If there's six votes, then it would require more than one day. I understand. Those two meetings on Saturday and Monday are being set conditionally so that they're there, and we've given more than 72 hours notice so it was in that situation that I asked people to do that for us. >> Alter: It requires seven votes if we want to adopt the ordinance. If we are going to call an election in February for may, we don't need more than six. >> If you call the election this week, you need six. You would still have to have three readings to do it. Unless you have seven votes to call the election. To further clarify, typically when we call the election, we do it as answer emergency item because it's before we have to

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work to get the election accomplished. If you were to order the election this week, though, it's certainly not an emergency because the election is not until may of 2023. We could suggest if you were to adopt the ordinance, you don't need to do it this week if it's going to cause a lot of conversation about the outline, et cetera. You could simply wait to do it later any time between now and February whatever of 2023. >> Alter: I think my question was if we're not actually -- we're sort of choosing between those two things, but we're not voting between those two things. If we don't have -- we don't have to have seven to put it on the ballot. We only need to have six who don't want to adopt it procedurally. >> Mayor Adler: You're correct. If what would be in front of us is the opportunity to pass the ordinance, if we fail to pass the ordinance, for whatever

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reason, either because it's voted down or because it just doesn't come to a vote, if we fail to pass it for whatever reason, then we're obligating ourselves to put it on the ballot in may. Either at this meeting or at some future meeting. >> Alter: But if six of us want to pass the ordinance and not seven, then we would have to have another meeting so that we could pass it and leave seven up so we could still do that if that's -- >> Mayor Adler: That's correct. >> Mayor Adler: Does anybody want to speak to this or address this? Yes. >> I signed the petition, and I support the measures in the petition. I think it's an important step towards accountability to providing the accountability and

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oversight with our police department, but I also think that having a community vote is -- has a lot of value. This has been a difficult and ongoing issue in Austin, police oversight, and my sense is that it would pass. My hope is that it would pass overwhelmingly, and I think that sends an important signal really to everyone, to both the police association, to the city council, the incoming city council, and to the community at large. For that matter two other communities in the state that are also debating these same issues and trying to adopt different types of oversight measures. I think of San Antonio. I think there was a police oversight petition in San Antonio

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that became very close to passing. I just want to express my thoughts. That's kind of how I'm leaning is to put it to the voters and then we can move forward from there. >> Mayor Adler: Council member Kitchen? >> Kitchen: I just wanted to let people know where I'm coming from. I'm prepared to vote for adopting the police oversight ordinance, and I just wanted to explain the perspective and reasoning on it. It's not supposed to be negotiated in a police contract. It's something that I think is appropriate for the council to make a statement. This is something we believe in for our community, and for that

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reason I think it's important at or level as leaders in the community to go ahead and adopt the police oversight and I think it's a reasonable approach that's been proposed in the language. I support it, and I just fundamentally believe that it's not something that is appropriate for negotiation. I think it's something that is appropriate for an ordinance that the city should adopt, and once I think of it in that perspective, then I think it is something that I certainly respect the will of the voters. I do. I also believe that police accountability is fundamental. I'm prepared to vote for it. >> Mayor Adler: Council member Pool. >> Pool: This is a truly difficult issue for me. I've been concerned from the beginning days of the referendum

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drive that some of the language was problematic. We know that some of the language is problematic. Police oversight, but I also want to insure that as we make progress towards that goal that we are on really solid ground. I have an open mind about how we get there, and I want to be clear that I'm prepared to work on and support a middle ground that moves us forward, but that does not imperil our legal standing on this issue.

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And that also recognizes the very real real limitations that the state lay places on all cities. >> Mayor Adler: We have to adopt it exactly as it's written. >> Pool: I do not support adopting the measure as it's written because I think it has problematic language in it that would create additional barriers and obstacles for the city to manage. I am looking for increased accountability and transparency through whatever actions we might take between now and going forward working with our -- to do this really carefully, and in clear mind and clear eye understanding of what the community is looking for. Again, what the restrictions are that we have to operate in within state law.

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>> I think that every city department and all of city government benefits from oversight and accountability and transparency. I know that in the past I don't think there's been a petition submitted that we just adopted outright. As council we have the backup to say this is the law as voerts approved it, and we are truly implementing the will of the community. I do see a lot of value in this particular petition. I'm struggling a bit with where I'll be on Thursday. >> Can you talk us through what your 1 ceases to do? >> Mayor Adler: It deals with a logistical matter. I support increased community oversight. I this really important in our community.

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I think it's overwhelmingly supported in our community. For that reason I signed the petition as well. They're really appreciative, and I want to congratulate the advocates that manage to get the necessary signatures to enable us to put it on the ballot in may. There needs to be a separation between oversight and the other things that are negotiated. We should have the best police oversight because we should just have the best police oversight. As a community with the association, we should have that.

[5:02:39 PM]

We should pay our police officers well. I believe we should maintain paying our police officers more than anyone else pays our police officers, and we always get the cream of the crop here in our city because I think we do support our police and I think we need to do that. We need to do that without regard to anything else. We just need to do that because that is the right thing to do. It didn't get on the ballot in November. It pushed it until may. If we're not going to agree to a contract now, then the current contract which expires in September will be extended until

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March. Just until March. I was concerned if we ended up without a contract in March that some of our police officers would be concerned about being in a situation where there was no contract, and they could lose we would be in this horrible place where some of our police officers that didn't want to retire might find themselves needing to consider retiring in January or February in order to meet the may cutoff point. I think collectively we want those officers to be able to stay on. And get past that potential election in may.

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They know they don't have to retire facing uncertainty. It extends those benefits most specifically including but not limited to the accrued sick leave that you can get on retirement until the end of may. I think that gives the community and the council and the police association and our staff sufficient time to be able to work through those answers with no one -- none of our police officers being faced with a forced choice while they lacked information. That was the intent extended for virtually a seven or eight-week period of time so that our police officers, who I think we need to support and we need to recognize the uncertainty that could otherwise be created by a decision on the ballot that we take care of them and take care of this situation. Yes, council member Kelly. >> Kelly: Like many of you

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here, I do believe in increased oversight in some ways. I think that we have to work within the bounds of what we can legally do, and I agree that parts of the petition language is troubling. Since we talked about item 91, I'm concerned that we are under negotiations now, and if we do fall out of a contract, there could be a mass exodus of officers that are eligible currently for retirement. I still haven't heard back about any kind of continuity of operations plan for how we might work with officers who are staying here and if anyone will back them up in regards of staffing or that sort of thing. It will be interesting. I would be interested to hear if that exists or if there's one being developed in case we do have officers to leave if we were going out of contract. Thank you for bringing that item forward. >> Kitchen: I agree. I think this is a good item to

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bring forward. I don't know that I would tie it to the oversight petition. I mean, again, it's -- to me these are separate. I agree that we should pay our officers the best. We've done that, and I think we need to continue to pay them at the top of the ladder. To me if they're not able to reach agreement during the negotiation process, then to me that should be about compensation and benefits. I would beotology extend. I'm trying to separate out the whether we're going to have police oversight accountability from the issue of benefits and compensation because to me they don't employ together.

[5:08:00 PM]

I don't see it as a negative for our police officers. It is a plus for our police officers and for the whole city to have an oversight process an oversight process is about -- it's about officers who are not following the requirements. It's not about the vast majority of our officers. That's why I do not tie them together. I don't think it goes together. What I'm saying with regard to this particular rez rugs, I won't be here next year to vote on it, but I would be perfectly willing to extend wages and benefits. I think we always need to support our officers with wages and benefits. With regard to the ordinance, I acknowledge that there are some legal questions about it.

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Those are present regardless of whether we adopt them now or whether they go through an election process. That's not going to change, and it needs to be addressed in the court. There's a severability clause in that ordinance. There are two things in the ordinance that perhaps might not -- might be concerning. Then those could be addressed. I don't see that as -- I don't see that as keeping us from moving forward with oversight. >> Mayor Adler: Does anybody else want to say something? All right then. Let's adjourn the work session here at 5:09.